United Nations S/2008/378

Security Council

Distr.: General
10 June 2008

Original: English

Letter dated 10 June 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1811 (2008) concerning Somalia, adopted by the Security Council on 29 April 2008. In paragraph 3, the Council requested me to re-establish the Monitoring Group for a period of six months, in consultation with the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, with a mandate to carry out the tasks set forth in paragraph 3 (a) to (i) of resolution 1811 (2008).

I should like to inform you, therefore, that, following consultations with the Committee, I have appointed the following experts:

Gilbert Charles Barthe (Switzerland) (customs expert)
Matt Bryden (Canada) (regional expert)
Charles M. Lengalenga (Zambia) (finance expert)
Ignatius Yaw Kwantwi-Mensah (Ghana) (arms and transport expert)

I have also appointed Matt Bryden as the Coordinator of the Monitoring Group.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-37530 (E) 120608

United Nations S/2008/379

Security Council

Distr.: General
10 June 2008

Original: English

Letter dated 10 June 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1805 (2008), and am pleased to submit herewith the report of the Counter-Terrorism Committee on the implementation of resolution 1373 (2001) to the Security Council for its consideration.

The report was prepared for the Committee by the Counter-Terrorism Committee Executive Directorate. It provides an assessment of the implementation of resolution 1373 (2001) in regions and subregions, and draws conclusions about progress in the implementation of the resolution in key thematic areas. The report contains priority recommendations for future action by the Committee, which highlight the main concerns with regard to the implementation of resolution 1373 (2001) and serve as a planning and priority-setting tool for the Committee and the Security Council.

The report is based on information available as at October 2007. In accordance with the request of the Council, the Executive Directorate will prepare an updated version of the report as new information is received from Member States.

I would be grateful if the present letter and the attached report could be circulated as a document of the Security Council.

(*Signed*) Neven **Jurica**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

08-37556 (E) 190608

Survey of the implementation of Security Council resolution 1373 (2001)

Report of the Counter-Terrorism Committee

I. Introduction

1. The present survey has been prepared in response to a request by the Security Council in its resolution 1805 (2008), and as part of the assessment by the Counter-Terrorism Committee Executive Directorate of progress made by Member States in the implementation of Security Council resolution 1373 (2001).

2. The Committee survey was prepared for it by experts of the Counter-Terrorism Committee Executive Directorate. It is based on their professional judgement of the information available as at October 2007.

3. The survey relies on data compiled by the Committee Executive Directorate from reports of Member States, visit reports (in the case of States visited by the Committee) and from international organizations. This data is also recorded in 192 preliminary implementation assessments that have been prepared for all Member States. Dialogue on the preliminary implementation assessments and reports of Committee visits with Member States is ongoing. The Committee and its Executive Directorate continue to encourage this dialogue, in order to promote exchange of information and views with Member States on the implementation of resolution 1373 (2001).

4. The survey focuses on the major thematic areas addressed by the resolution, notably on counter-terrorism legislation and policies pertaining to counter-terrorist financing, border control, law enforcement, international cooperation and the protection of human rights.

5. Section II of the survey provides an assessment of the implementation of resolution 1373 (2001), broken down by regions and subregions.

6. Section III draws certain conclusions about global progress in the implementation of the resolution in key thematic areas.

7. Annexed to the survey is a table showing the relationship between the survey and the preliminary implementation assessment (see annex).

8. The purpose of the survey is to present current general trends in the implementation of the resolution with a view to identifying regional vulnerabilities or areas where groups of States are facing particular implementation difficulties and thus might benefit from a regional or subregional approach to counter-terrorism. It should be noted that in some subregions States display significantly varying levels of progress in their implementation of the resolution.

9. It should also be noted that in a number of regions many States face a range of challenges, including competing developmental priorities, limited training opportunities and continuing pressure on government budgets that impact on the level of progress in the implementation of resolution 1373 (2001).

II. Assessment by region

A. Africa

North Africa (Algeria, Egypt, Libyan Arab Jamahiriya, Mauritania, Morocco, Sudan and Tunisia)

Areas of assessment

Legislation

10. All seven States in the North Africa subregion have introduced legislation on counter-terrorism and have partially incorporated the offences set forth in the international counter-terrorism instruments into their domestic law. Two have adequately incorporated the offences set forth in the international counter-terrorism instruments into their domestic law, while five have done so partially. Most have adequate measures in place for the suppression of terrorist recruitment. Only two States have established adequate jurisdiction for the relevant offences in their domestic law.

Counter-financing of terrorism

11. Three States have criminalized terrorist financing, while a further four have introduced some legal provisions to address the issue. Anti-money-laundering laws are now in force in all seven States, and four States have set up a financial intelligence unit. However, four States do not regulate financial transfers through informal remittance systems, while two others have only limited measures in place. Some States have a capacity to freeze without delay funds and assets linked to terrorism, although in most cases it is limited. No State in the subregion implements adequate measures to protect non-profit organizations from terrorist financing, although six States do implement some measures in this regard.

Border control

12. Measures to detect forged travel documents have been either fully or partially introduced in six States, but the security and integrity of the procedure for issuing identity papers and travel documents could be significantly enhanced in a number of States. Three States have implemented procedures and methods to screen travellers effectively against national and international databases, and three have partially done so. Measures to prevent the abuse of asylum procedures are fully developed and enforced in only one State. More work needs to be done in the area of customs, to include increased cargo security and the implementation of international standards and procedures, as only five States have introduced partial controls in this area. International standards for aviation security are only partially implemented in four States. International standards on maritime security are fully implemented in one State, and partially in three. One State has fully implemented measures to prevent the illegal cross-border movement of persons, and five States have partially implemented such measures, but long maritime and land borders will continue to pose challenges to border control in some States. All seven States have only partially implemented measures to prevent smuggling of arms and explosives.

Domestic security and law enforcement agencies

13. While most States in the subregion are known to have established counter-terrorism law enforcement units, only three States have set up adequate institutional structures and the inter-agency coordination necessary to deal with counter-terrorism issues. All States have taken some steps to regulate the production, sale and transfer of arms and explosives.

International cooperation

14. Two States have introduced comprehensive domestic laws on mutual legal assistance and extradition. Others rely on multilateral and bilateral treaties and this may, in some circumstances, limit their capacity to respond positively to such requests from a wide range of States. Five States have procedures in place for the exchange of information. The rate of ratification of the international counter-terrorism instruments overall is high, as all seven States have ratified 10 or more of the 16 instruments.

General comments

15. Because of the serious ongoing terrorist threat to the subregion, all North African States have adopted some of the relevant legislative and counter-terrorism measures. However, it is not clear how well these measures have been implemented. In view of the high levels of worker-remittance transfers in the subregion, and regional patterns of reliance on informal, non-bank transfer mechanisms, action to regulate alternative remittance systems and prevent the abuse of non-profit organizations is of priority importance.

16. Despite the significant measures taken by some Member States, long maritime and land borders will continue to pose serious challenges to border control in some States.

Priority recommendations for future action by the Committee

17. The primary recommendations are:

(a) Encourage States to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives, as well as currency and other bearer instruments;

(b) Encourage States to take adequate measures to protect their non-profit sector from abuse by terrorist financing;

(c) Encourage States to take action to prevent the abuse of informal worker-remittance networks for the purpose of terrorist financing.

East Africa
(Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mozambique, Rwanda, Seychelles, Somalia, Uganda and United Republic of Tanzania)

Areas of assessment

Legislation

18. Of the 13 States in the East Africa subregion, 2 have introduced a comprehensive legal framework for counter-terrorism responses and adequately incorporated the offences set forth in the international counter-terrorism instruments into their domestic law. Six others have partially incorporated these offences, while five States have not incorporated them at all. Five States have adequate measures for the suppression of terrorist recruitment, while four have none. Four States have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

19. Two States have criminalized terrorist financing, while a further five have introduced some legal provisions to address the issue. Although six States have introduced an anti-money-laundering law, only two of these States have an operational financial intelligence unit. No State in the subregion has adopted a range of measures to prevent informal remittances for the purpose of terrorist financing, although six have some controls in place. No State has the capacity to freeze without delay funds and assets linked to terrorism, although some States have made progress on this issue. No State implements adequate measures to protect non-profit organizations from terrorist financing, although eight do implement some measures in this regard.

Border control

20. One State has fully implemented procedures and methods to screen travellers effectively, and nine States have partially implemented such procedures. Some measures have been taken to detect forged travel documents in 10 States, but the security and integrity of procedures for issuing identity and travel documents need to be enhanced. Measures to prevent the abuse of asylum procedures are partially in place in only five States. Six States have established some appropriate customs and cargo security procedures, but most have yet to implement the relevant international standards and procedures. International standards on aviation security are partially implemented in five States, while only four States have implemented international maritime security standards. Ten States have partially implemented measures to prevent the illegal cross-border movement of persons. Nine States have some measures in place to detect and prevent the smuggling of arms and explosives, but it is unclear how effectively these measures are implemented.

Domestic security and law enforcement agencies

21. Five States have partially developed strategies and institutional structures to combat terrorism, and there is some degree of coordination between the law enforcement agencies dealing with counter-terrorism issues. The remaining eight States have not provided sufficient information to permit an assessment. Four States

have set up specialized counter-terrorism law enforcement units and three have taken steps in this direction. A total of 12 States have taken steps to regulate the production, sale and transfer of arms and explosives, although only 2 have fully implemented such measures.

International cooperation

22. Eleven States have either no laws, or limited laws in place for mutual legal assistance and extradition. One State has introduced comprehensive domestic laws on mutual legal assistance and extradition. Four States have no such laws, and this may limit their ability to respond positively to such requests from other States. Only 1 State has adequate procedures in place for the exchange of information, but 10 others have partial measures in place. The rate of ratification of the international counter-terrorism instruments varies widely: seven States have ratified at least 10 of the instruments, while one State has ratified none and another State has ratified only one.

General comments

23. East Africa has been the victim of terrorism in the past, and there is a high level of terrorist threat, due to continued political instability. However, most States have yet to take strong legislative and practical measures on counter-terrorism issues. States must submit information on their laws and on their implementation so that the Committee can better gauge their immediate needs and priorities.

24. All States in the subregion have cash-based economies, and this increases the risk that terrorist financing will occur via physical cross-border transportation of currency and other bearer instruments, and informal transfers of money and value through alternative remittance systems.

25. Given the political instability in some parts of the subregion, intensified action to control maritime and land borders, and in particular to prevent arms smuggling, is required. However, in view of the long land and maritime borders, this will continue to be a serious challenge for Governments of the subregion.

26. Lack of reporting by States of this subregion regarding many areas of law enforcement and border control has hampered the assessment of whether measures to combat terrorism actually exist and are being effectively implemented. States are urged to report to the Committee on the policies and controls being developed and utilized in these areas.

Priority recommendations for future action by the Committee

27. The priority recommendations are:

(a) Promote the adoption of national counter-terrorism legal frameworks that are comprehensive and coherent and include all terrorist offences set forth in the international counter-terrorism instruments;

(b) Encourage States to monitor the physical cross-border transportation of currency and other bearer instruments;

(c) Encourage States to intensify efforts to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives.

Southern Africa
(Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Swaziland, Zambia and Zimbabwe)

Areas of assessment

Legislation

28. Of the 10 States in the subregion, only 2 have a comprehensive counter-terrorism legal framework that incorporates the relevant terrorist offences into domestic law. Four States have partially incorporated the offences, while three have not done so at all. Three States have adequate measures in place for the suppression of terrorist recruitment, and six have partial measures. Three States have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

29. Only two States have criminalized terrorist financing, but two others have introduced some legal provisions to address the issue. Anti-money-laundering laws are now in place in six States. Two States have operational financial intelligence units. Only one has adopted a range of measures to regulate financial transfers through informal remittance systems. Some States implement measures to freeze without delay funds and assets linked to terrorism but capacity is generally limited throughout the subregion. No State implements adequate measures to protect non-profit organizations from terrorist financing, but six implement some measures in this regard.

Border control

30. One State has implemented procedures and methods to screen travellers effectively, and eight States have partially done so. Eight States have instituted some practices to detect fraudulent travel documents, but greater control over the procedure for issuing identity and travel documents is required. Only one State has fully implemented measures to ensure that asylum and refugee seekers have not committed terrorist acts, although eight States have some checks in place. Six States have some measures in place to ensure cargo security and have implemented international customs clearance measures and control standards. International standards for aviation security are partially implemented in six States, but only two States have implemented maritime security standards. Nine States have partially implemented measures to prevent the illegal cross-border movement of persons. Seven have partially implemented measures to prevent the smuggling of arms and explosives, and one State has full capability.

Domestic security and law enforcement agencies

31. Two States have the institutional structures and strategies in place to deal with terrorism issues, and another three have partially established the necessary structures. Coordination between law enforcement agencies is effective in two States and is carried out to some degree in another three. Two States have established dedicated counter-terrorism units, and two others have taken some steps in this regard. Three States have taken adequate steps to regulate the production, sale and transfer of arms and explosives, while six States have taken partial measures.

International cooperation

32. Two States have introduced comprehensive domestic laws on mutual legal assistance and extradition and adequate procedures for the exchange of information. The remainder have partially implemented these measures. The rate of ratification of international counter-terrorism instruments varies widely: four States have ratified at least 10 of the instruments, while three States have ratified 4 or fewer.

General comments

33. All Southern African States have adopted some of the relevant legislative and other counter-terrorism measures. However, it is not clear how well these measures have been implemented. The rate of ratification of the international counter-terrorism instruments is generally low (with some notable exceptions).

34. There is therefore a need to promote ratification in the subregion and ensure that ratified instruments are fully incorporated into domestic law.

35. All States in the subregion have predominantly cash-based economies, and this increases the risk that terrorist financing could occur via physical cross-border transportation of currency and other bearer instruments, as well as by informal transfers of money and value through alternative remittance systems.

36. Long maritime borders and land borders will continue to pose serious challenges to border control efforts in some States.

Priority recommendations for future action by the Committee

37. The priority recommendations are:

(a) Promote the adoption of the international counter-terrorism instruments and legislation to fully implement the international counter-terrorism instruments across the subregion;

(b) Encourage States to monitor the physical cross-border transportation of currency and other bearer instruments;

(c) Promote the wider use of traveller and travel document screening tools and databases, and encourage measures to strengthen the security and integrity of procedures for issuing identity papers and travel documents.

West and Central Africa (Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo)

Areas of assessment

Legislation

38. Of the 23 States of West and Central Africa, 16 have partially incorporated the offences set forth in the international counte. terrorism instruments into their domestic law, while 5 have not done so and there is insufficient information

concerning the other 2. Three States have adequate measures in place for the suppression of terrorist recruitment, while nine have partial measures in place. Four States have established adequate jurisdiction for the relevant offences in their legislation, but for most States there is insufficient information on this issue.

Counter-financing of terrorism

39. Only one State has adopted legislation to criminalize the financing of terrorism, but seven others have introduced some legal provisions to address the issue. A total of 12 States have anti-money-laundering laws in place. However, only two have set up financial intelligence units. There is a lack of information concerning regulation of alternative remittance systems in 14 States. The capacity to freeze without delay funds and assets linked to terrorism is limited in most States, while six have no measures in place. No State implements adequate measures to protect non-profit organizations from terrorist financing, although eight States do implement some measures in this regard.

Border control

40. A total of 13 States have implemented some procedures and methods to screen travellers effectively against available counter-terrorism databases. Some measures have been taken in the area of detecting forged travel documents in 16 States, but the security and integrity of procedures for issuing identity and travel documents need to be enhanced. Measures to prevent the abuse of asylum procedures have been fully developed and enforced in nine States, and partially in another three. More work needs to be done in the area of customs, to include increased cargo security and the implementation of international standards and procedures, as only 14 States have partially complied, and for nine there is insufficient information. Similarly, international standards for aviation security are only partially implemented in 12 States, and information is lacking for the remaining 11. Of the 17 States with maritime borders, there is a lack of information with respect to 10, and 7 have reported only partial implementation of measures to ensure port and ship security. No State has fully implemented measures to prevent the illegal cross-border movement of persons, although nine have introduced partial measures. A total of 18 States have reported either full or partial implementation of control mechanisms to detect and prevent arms and explosives trafficking.

Domestic security and law enforcement agencies

41. Although 7 States have not yet provided sufficient information, 16 have reported that they have institutional structures in place to implement counter-terrorism strategies. Only 2 States have fully coordinating law enforcement agencies, although another 14 have reported some level of inter-agency coordination. Six States in the subregion are known to have counter-terrorism law enforcement units and another six have taken steps in this direction. All 18 States that have reported on the import and export of weapons have taken some steps to regulate the production, sale and transfer of arms and explosives.

International cooperation

42. Two States have comprehensive domestic laws on mutual legal assistance and extradition, while the remaining States need to strengthen their domestic legal

framework to improve their cooperation in criminal matters. A total of 19 States have some procedures in place for the exchange of information. The rate of ratification of the international counter-terrorism instruments varies widely: 12 States have ratified at least 10 of the instruments, while 4 States have ratified 5 or fewer.

General comments

43. Most States have reported relatively comprehensively on the adoption of legislation and financial regulations, but information regarding practical implementation, including in areas such as law enforcement and border control, has been less forthcoming. It is clear, nonetheless, that long maritime border and porous land borders in some States will continue to pose serious challenges to the border control efforts of all States of the subregion.

44. All States of the subregion have predominantly cash-based economies, and this increases the risk that terrorist financing will occur via physical cross-border transportation of currency and other bearer instruments, and informal transfers of money and value through alternative remittance systems.

45. A common feature is the lack of technical and financial resources needed to implement the resolution in full. Consequently, and also in view of the fact that many challenges are the same for all States, it might be better to address technical assistance needs, in selected areas, on a collective basis.

Priority recommendations for future action by the Committee

46. The priority recommendations are:

(a) Promote the adoption of national counter-terrorism legal frameworks that are comprehensive and coherent and include all terrorist offences set forth in the international counter-terrorism instruments;

(b) Encourage States to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives, as well as currency and other bearer instruments;

(c) Promote the adoption of stronger domestic controls of arms and explosives.

B. Asia

East Asia
(China, Democratic People's Republic of Korea, Japan, Mongolia and Republic of Korea)

Areas of assessment

Legislation

47. Two of the five States of the subregion have introduced comprehensive legislation covering the relevant terrorist offences, while two others have draft counter-terrorism laws that are either under consideration or pending adoption. Four States have adequate legal provisions for the suppression of terrorist recruitment.

Two States have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

48. One State has criminalized terrorist financing and two others have introduced some legal provisions to address the issue. All but one State (for which there is insufficient information) have introduced anti-money-laundering laws. Four States have established financial intelligence units, of which three are operational. Three States implement some measures to regulate financial transfers through informal remittance systems. Two States have some capacity to freeze without delay funds and assets linked to terrorism and two are limited by their legislative frameworks, while for the fifth State there is insufficient information to make a determination. Four States implement some measures to protect non-profit organizations from terrorist financing.

Border control

49. This subregion has made progress in the area of immigration, notably with respect to the screening of travellers, the introduction of security controls in the issuance of identity papers and travel documents, and practices to detect fraudulent identity and travel documents. Three States have implemented effective measures in these areas, and two have achieved partial implementation. Two States have implemented controls to prevent the asylum system from being abused by terrorists, but one has taken few steps to control the asylum process and two States have not reported sufficient information. International standards and procedures for customs clearance and cargo security have been adequately implemented in three States, and partially in one. In the area of aviation security, four States have partially implemented international standards. International standards for port and ship security have been implemented by three States. Most States have partially implemented measures to prevent the illegal cross-border movement of persons. Three States in this subregion are able to combat trafficking in arms and explosives.

Domestic security and law enforcement agencies

50. Four States have developed strategies and set up institutional structures to combat terrorism. Law enforcement agencies in these States coordinate some of their counter-terrorism activities. Three States have created dedicated counter-terrorism units, while two others have yet to report in this area. All States have implemented measures for the monitoring, regulation and control of the production, sale and transfer of arms and explosives.

International cooperation

51. Three States have introduced effective legal frameworks to ensure mutual legal assistance and extradition, as well as adequate mechanisms, promptly and effectively to exchange information with international counterparts. The rate of ratification of the international counter-terrorism instruments is high, with four States having ratified 10 or more.

General comments

52. There is considerable variation in this subregion, as States are at different stages of implementing resolution 1373 (2001). It is therefore difficult to generalize. Some provide counter-terrorism assistance, while others are States in need of assistance. Terrorism is regarded as a serious threat by one State.

53. Most States have taken steps to put in place the necessary laws and measures to implement the resolution, but the early passage of outstanding draft legislation would further improve their current counter-terrorism legal framework.

54. Capacity-building in law enforcement agencies and effective border control measures are needed in several States.

Priority recommendations for future action by the Committee

55. The priority recommendations are:

(a) Encourage States to develop comprehensive legal frameworks that incorporate the necessary terrorist offences into domestic law;

(b) Promote the implementation of international border-control standards;

(c) Assist States to improve their capacity to freeze funds and assets linked to terrorism.

Pacific islands
(Fiji, Kiribati, Marshall Islands, Micronesia (Federated Sates of), Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu)

Areas of assessment

Legislation

56. All States except one have taken some steps to set up a comprehensive counter-terrorism legal framework incorporating the terrorism-related offences. Six States in the subregion have not introduced measures for the suppression of terrorist recruitment, while four have introduced some provisions. Four States have established adequate jurisdiction for the relevant offences in their legislation, while three have not done so.

Counter-financing of terrorism

57. Two States have criminalized terrorist financing and four have introduced some related legal provisions. All States have adopted anti-money-laundering legislation. Only one State has set up a financial intelligence unit. Nine States have some measures in place to regulate financial transfers through alternate remittance systems. The capacity to freeze without delay funds and assets linked to terrorism is limited in all States, although some progress has been made in this direction in several States. No State implements adequate measures to safeguard non-profit organizations from terrorist financing.

Border control

58. Six States have fully implemented measures to ensure the security of the issuance of travel documents and detect their fraudulent use, and two others have made some efforts. Only five States have some of the required measures in place for the effective screening of travellers, while the remaining seven have not provided sufficient information to permit an assessment. Measures to prevent abuse of the asylum process are well developed in one State and only partially in five. Information is lacking in reports from this subregion regarding customs, aviation and maritime security. Most States have taken some steps to prevent the illegal cross-border movement of people, but only one has imposed the necessary controls to combat trafficking in arms and explosives. The remaining 11 States have not reported in this area.

Domestic security and law enforcement agencies

59. Three States have established dedicated counter-terrorism units within their law enforcement agencies, three have partially done so, and six have not provided information in this regard. Most States in the subregion have a counter-terrorism strategy in place. One State has established neither a counter-terrorism strategy nor the required organizational structures. All States have put in place legislation and measures to regulate and monitor the production, sale and transfer of arms and explosives. However, the information submitted is not sufficient to permit an assessment of the effectiveness of their implementation.

International cooperation

60. Four States have enacted comprehensive laws on mutual legal assistance and extradition, while others have some mechanisms to address international cooperation. Five have adequate procedures in place for the exchange of information. The rate of ratification of the international counter-terrorism instruments varies widely: four States have ratified 10 or more, while four have ratified six or fewer.

General comments

61. Activities involving terrorist groups have had little or no direct effect on the subregion; however, terrorism has affected other States in Asia, and there is a risk that it will spread to the Pacific islands, especially if financial, law enforcement and border control capacities are not strengthened.

62. As States in this subregion have provided little information about practical measures taken to counter terrorism, the assessment is necessarily incomplete.

63. Because of the particular geographical features of the islands and atolls of this subregion, border control and strengthening the capacities of law enforcement agencies, and coordination among them, are important issues.

Priority recommendations for future action by the Committee

64. The priority recommendations are:

(a) Promote the adoption of the international counter-terrorism instruments and legislation to fully implement them;

(b) Help States improve their use of traveller and travel document screening tools and databases, and promote the adoption of measures to ensure the security and integrity of procedures for issuing identity papers and travel documents;

(c) Encourage States to implement more completely all international standards concerning aviation, maritime and cargo security.

South-East Asia (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor-Leste and Viet Nam)

Areas of assessment

Legislation

65. Five of the 11 States in the South-East Asia subregion have introduced comprehensive counter-terrorism legislation that adequately incorporates the terrorist offences, and six others have introduced laws covering some of them. Three States have introduced adequate measures for the suppression of terrorist recruitment, while six have not done so. Five have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

66. Five States have legislation in place criminalizing the financing of terrorism, and anti-money-laundering laws are now in place in nine States. Six States have operational financial intelligence units. There has been progress in several States on improving capacity to freeze terrorists' funds and assets linked to terrorism, although implementation across the region is uneven. No State implements adequate measures to protect the non-profit sector from terrorist financing.

Border control

67. Eight States of this subregion have effective or partially effective controls on the issuance of identity papers and travel documents and the detection of fraudulent documents. Only one State adequately screens travellers against available counter-terrorism databases, and five others have some procedures in place. Measures to ensure that asylum procedures are not abused are lacking, with only one State having implemented adequate measures and two others having implemented partial measures. International standards for customs procedures and security have been introduced in two States and partially introduced in four others. Insufficient information precludes assessment of the remaining five. No State has fully implemented international standards for aviation security, and only four have partially instituted them. Information is lacking in this area for six States. Only one State has implemented international standards for maritime security, although seven have made some effort. Only one State has fully implemented measures to prevent the illegal movement of persons across borders, while the rest are in the process of developing relevant laws and procedures. The detection and prevention of arms and explosives trafficking is reasonably well handled across the subregion, with seven States having fully or partially implemented appropriate control mechanisms.

Domestic security and law enforcement agencies

68. At least six States have developed sufficient coordination among their law enforcement agencies to ensure coherent strategies to deal with potential threats. Six States have already established dedicated counter-terrorism units, and one other is in the process of doing so. Laws on the production and transfer of arms and explosives are adequate across the subregion, although one State has yet to provide sufficient information. However, additional information on the law enforcement measures used to ensure effective control over the production, sale and transfer of arms and explosives would permit a better assessment of effectiveness in this area.

International cooperation

69. Five States in the subregion have introduced laws enabling the extradition of terrorists, and six have established effective mechanisms on information exchange. Four States have ratified 10 or more international counter-terrorism instruments, while one is a party to none.

General comments

70. This subregion has suffered major terrorist attacks in recent years, but has made progress in addressing the threat through various legislative, judicial, police, military and educational initiatives. Regional cooperation to combat terrorism has been enhanced through a series of mechanisms and processes, including the adoption in 2007 of the Association of Southeast Asian Nations Convention on Counter-Terrorism.

71. The threat remains, and vulnerabilities exist in border control and in combating the financing of terrorism. A significant problem is the lack of direct access to international counter-terrorism information when screening travellers upon entering or exiting the States of this subregion.

72. There are significant shortfalls in the implementation of international standards for aviation, maritime and cargo security, which heightens the risk of terrorism.

73. Many States in the subregion have cash-based economies and/or receive significant numbers of remittances from migrant workers overseas. Both factors increase the risk that terrorist financing occurs via physical cross-border transportation of currency and other bearer instruments, as well as by informal transfers of money and value through alternative remittance systems.

Priority recommendations for future action by the Committee

74. The priority recommendations are:

(a) Promote the development of comprehensive and coherent counter-terrorism legal frameworks that include measures to address the suppression of terrorist recruitment;

(b) Encourage those States that have not yet criminalized the financing of terrorism to do so as a matter of urgency, to take adequate measures to protect their non-profit sector from abuse by terrorist financing, and to monitor cross-border transportation of currency and other instruments;

(c) Help States improve access to international counter-terrorism and criminal databases, lists and alerts, in order to enhance the effectiveness of passenger-screening procedures, travel document security, and measures to prevent the illegal movement of people, cargo and weapons.

South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka)

Areas of assessment

Legislation

75. Only one of the eight States in this subregion has adequate legislation in place covering all the relevant terrorist offences. Four States have introduced legislation covering only some of the terrorist offences. Four States have specifically introduced measures for the suppression of terrorist recruitment. Three States have established adequate jurisdiction for the relevant offences in their legislation, while two have not done so.

Counter-financing of terrorism

76. Four States have criminalized terrorist financing to some degree. Three have introduced anti-money-laundering laws. Only two have set up financial intelligence units, and three have some measures in place to regulate financial transfers through informal remittance systems. Most States have limited capacity to freeze funds and assets without delay, and no State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

77. Progress has been made in the area of immigration, notably with regard to security controls in the issuance of identity papers and travel documents, and practices to detect fraudulent identity and travel documents. Three States have implemented effective measures in those areas, and two have achieved partial implementation. The screening of travellers against international databases is carried out fully by three States and partially by three others. In the area of asylum, no State has reported adequate implementation. International standards and procedures for customs clearance and cargo security have been implemented in two States, and partially in three. In the area of aviation security, only one State has implemented international standards, and four others have achieved partial implementation. International standards for port and ship security have been implemented by only one State, although three others have taken some measures.

Domestic security and law enforcement agencies

78. Seven States have institutional structures in place to implement counter-terrorism strategies. Law enforcement agencies in two States coordinate activities to a high degree and five States coordinate some of their activities. However, only two have created dedicated counter-terrorism units, and two others are working to set up such units. Seven States have some measures for the monitoring, regulation and control of the production, sale and transfer of arms and explosives.

International cooperation

79. Four States have effective legal systems to ensure mutual legal assistance and extradition, but no State has adequate mechanisms to promptly and effectively exchange information with international counterparts. Five States have ratified 10 or more of the international counter-terrorism instruments.

General comments

80. South Asian States have suffered greatly from terrorism, and all have introduced counter-terrorism mechanisms. However, the lack of specific counter-terrorism laws limits the effectiveness of those mechanisms. Improvements in financial regulations, law enforcement capacity and international cooperation are needed, in particular, if the threat is to be addressed in a comprehensive manner.

81. The growing interlinkages between organized crime and terrorism in the subregion are also a concern, particularly as the subregion is close to two of the world's largest narcotics-producing regions. These linkages further increase the subregion's vulnerability to human and weapons smuggling.

Priority recommendations for future action by the Committee

82. The priority recommendations are:

(a) Promote the adoption by all States of comprehensive and coherent counter-terrorism legal frameworks that would facilitate the implementation of legally sound and consistent counter-terrorism strategies;

(b) Encourage States to take adequate steps to protect their non-profit sector from abuse by terrorist financing;

(c) Encourage States to review refugee/asylum processes in order to ensure that asylum-seekers have not committed terrorist acts, while also ensuring that exclusion and expulsion procedures must be in compliance with international human rights standards.

Central Asia and the Caucasus (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan)

Areas of assessment

Legislation

83. Seven of the eight States in the subregion have adequate legislation in place to cover the relevant terrorist offences, and seven have introduced measures for the suppression of terrorist recruitment. All States in the subregion have established jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

84. Six States have criminalized terrorist financing to some degree. Three have adopted anti-money-laundering laws. Three have operational financial intelligence units. Only two seem to have some control over financial transfers through informal

remittance systems. The capacity to freeze funds and assets linked to terrorism is mostly inadequate and limited in all States. No State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

85. Travel document security, measures to detect fraudulent identity and travel documents, and screening of travellers are implemented in all eight States. However, those measures are not fully effective because of the topography of the subregion and the lack of resources. Asylum procedures are protected from abuse by terrorists in seven States and partially in one. Customs clearance measures and control standards are implemented in six States, as are procedures to ensure cargo security. International standards for aviation security are adequately implemented in six States, with information being insufficient to evaluate the remaining two. Of the four States with maritime borders, there is insufficient information to evaluate their implementation of international standards for port and ship security. Legislation to prevent the illegal cross-border movement of persons is in place, but implementation is still lacking.

Domestic security and law enforcement agencies

86. Seven States have developed counter-terrorism strategies and the institutions necessary to implement them. Their agencies cooperate domestically and with regional and international bodies. Seven States have dedicated counter-terrorism units within their domestic security apparatus. Although eight States have legislation and institutions in place to monitor, regulate and control the production, sale and transfer of arms and explosives, the implementation of measures to monitor and prevent their smuggling is insufficient.

International cooperation

87. All States have comprehensive domestic laws on mutual legal assistance and extradition. Seven have procedures for the exchange of information. States of this subregion have a high rate of ratification of the international counter-terrorism instruments. All States have ratified 10 or more.

General comments

88. The frozen conflicts in the Caucasus, the subregion's extensive and difficult topography and the lack of financial and material resources impede effective border control and security. The physical cross-border transportation of currency and other bearer instruments is of particular concern.

89. Although States in the subregion have the necessary legislation and institutions to combat the smuggling of persons, arms and explosives, the practical implementation of measures to monitor and prevent illegal cross-border movements is lacking.

Priority recommendations for future action by the Committee

90. The priority recommendations are:

(a) Encourage States to introduce comprehensive anti-money-laundering/counter-financing of terrorism legislation and monitor the physical cross-border transportation of currency and other bearer instruments;

(b) Encourage States to build the capacity of their prosecutorial and judicial agencies in order to deal effectively with serious offences, including acts of terrorism, and to take advantage of law enforcement and other training opportunities to enhance the implementation of counter-terrorism laws and improve coordination among their law enforcement structures;

(c) Encourage States to increase the exchange of information among regional border control authorities and to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives.

Western Asia
(Bahrain, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen)

Areas of assessment

Legislation

91. Of the 12 States in the subregion, 2 have adequately incorporated the offences set forth in the international counter-terrorism instruments into their domestic law, while eight have done so partially. Six States have adequate measures for the suppression of terrorist recruitment and have established jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

92. Three States have adequately criminalized terrorist financing, and four others have introduced some legal provisions to address the issue. Nine States have an anti-money-laundering law in place, and eight have an operational financial intelligence unit. Six have adopted a range of measures to regulate alternative remittance systems, while four have some measures in place. Only a few States in the subregion have a high level of capacity to freeze without delay funds and assets linked to terrorism. No State implements adequate measures to protect non-profit organizations from terrorist financing, although most States do implement some measures in this regard.

Border control

93. A total of 10 States have either full or partial ability to control the issuance of identity papers and travel documents, and can also detect fraudulent or falsified documents. Five States can adequately screen travellers, and an additional six have some procedures in place. Five States have partial measures in place to protect the asylum procedure from abuse, and two have fully introduced such controls. International standards and procedures for customs clearance and cargo security have been fully implemented in only one State and partially implemented in six. In the area of aviation security, only one State has fully implemented international standards, though an additional five have achieved partial implementation.

International standards for port and ship security have been partially implemented by three States and fully implemented by only one. Six States have partial measures to prevent the illegal movement of persons across borders, one has not yet developed its laws and procedures, and the remaining five have not reported. In the area of arms and explosives smuggling, all but four States have provided information indicating that they have some ability to monitor and control the import and export of arms and explosives.

Domestic security and law enforcement agencies

94. All States but one, for which information is lacking, have developed strategies and institutional structures to combat terrorism, and there is either full or partial coordination among law enforcement agencies dealing with counter-terrorism issues. Five States have set up specialized counter-terrorism law enforcement units, and three have taken steps in this direction. All States have taken steps to regulate the production, sale and transfer of arms and explosives, although only four have fully implemented such measures.

International cooperation

95. Three States have comprehensive domestic laws on mutual legal assistance and extradition, while three States do not. Others rely on multilateral and bilateral treaties, and this may in some circumstances limit their capacity to respond positively to such requests from a wide range of States. Three States have adequate procedures in place for the exchange of information, while eight have partial measures. The rate of ratification of international counter-terrorism instruments is high: eight States have ratified at least 10.

General comments

96. States in the Western Asia subregion have suffered from a large number of terrorist attacks. They have taken significant remedial steps, including strengthening their counter-terrorism legislation. In view of the instability in some areas and the resulting displacement of people across borders, there is a priority need to enhance border control, screen travellers and prevent the smuggling of weapons.

97. Given the high levels of international worker-remittance transfers in the subregion and regional patterns of reliance on informal, non-bank transfer mechanisms, action to regulate alternative remittance systems is a priority. Action to prevent the abuse of non-profit organizations is also a priority.

98. A lack of reporting with respect to law enforcement and border control has hampered assessment of whether measures to combat terrorism have been put in place and are being effectively implemented. States are urged to report on the policies and controls being developed and utilized in those areas.

Priority recommendations for future action by the Committee

99. The priority recommendations are:

(a) Promote the adoption of legislation to fully implement the international counter-terrorism instruments across the subregion;

(b) Encourage States to take action to prevent the abuse of informal worker remittance networks for the purpose of terrorist financing;

(c) Encourage States to take adequate measures to protect their non-profit sector from abuse by terrorist financing.

C. Latin America

Central America and the Caribbean (Antigua and Barbuda, Bahamas, Barbados, Belize, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago)

Areas of assessment

Legislation

100. All 21 States of the subregion have partially incorporated the relevant terrorist offences into their counter-terrorism legislative framework. Six States have adequate measures for the suppression of terrorist recruitment. Seven have established adequate jurisdiction for the relevant offences in their legislation, five have taken some steps in this regard, and there is insufficient information with respect to nine States.

Counter-financing of terrorism

101. Six States have yet to criminalize terrorist financing. Anti-money-laundering laws are at least partially in place in 20 States. A total of 11 States have operational financial intelligence units. Only one State has adequate measures in place to regulate financial transfers through informal remittance systems. Most States have little capacity to freeze funds and assets linked to terrorism, although some States have made progress in this area. No State in the subregion implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

102. Measures have been taken to detect forged travel documents in 11 States, but there is a need for greater security and integrity in the issuance of identity and travel documents. Four additional States have some ability in this area. Seven have implemented procedures and methods to screen travellers effectively against national and international databases. Four States have developed measures to prevent the abuse of asylum procedures. Nine have some measures in place to ensure cargo security and have implemented international standards and procedures. International aviation security standards are implemented in three States and partially implemented in another six. Information is lacking in these areas for the remaining States. There is a dearth of reporting in the area of maritime security, with only seven States having provided information. Of these, five have implemented international standards and another two have taken some steps. Only three States appear to have fully implemented measures to prevent the illegal cross-border

movement of persons, while seven have partially implemented such measures. Eleven States have enforced some measure of controls to prevent the smuggling of arms and explosives.

Domestic security and law enforcement agencies

103. Six States have adequate institutional structures and inter-agency coordination to deal with counter-terrorism matters, and another nine have some policies and procedures in place. Only three States in the subregion appear to have established dedicated units within their law enforcement agencies to address terrorism issues. Additional information is required for all States but two regarding their implementation measures to regulate the production, sale and transfer of arms and explosives.

International cooperation

104. Six States have comprehensive domestic laws on mutual legal assistance and extradition. A total of 13 States have procedures for the exchange of information, and 14 States have ratified 10 or more of the international counter-terrorism instruments.

General comments

105. While counter-financing of terrorism measures have improved across the subregion, shortfalls remain with respect, in particular, to the development of freezing mechanisms, the regulation of alternative remittance systems and the monitoring of non-profit organizations. Border control and law enforcement capacity appear to be weak, although hosting the Cricket World Cup in the Caribbean in 2007 appears to have brought some improvements in those areas. In general, the terrorist threat is considered low in the subregion.

106. The prevalence in the subregion of trafficking of arms and drugs reveals the weakness of border controls, and there is increasing concern that this may be potentially abused by terrorist networks.

107. A lack of reporting by States in many areas of law enforcement and border control has hampered assessment of whether measures to combat terrorism have been put in place and are being effectively implemented. States are urged to report on policies and controls being developed and utilized in those areas.

Priority recommendations for future action by the Committee

108. The priority recommendations are:

(a) Encourage States to take action to prevent the abuse of informal worker remittance networks for the purpose of terrorist financing;

(b) Encourage States to take adequate measures to protect their non-profit sectors from abuse by terrorist financing and to improve their capacity to freeze funds and assets linked to terrorism;

(c) Encourage States to enhance border security at points of entry in order to prevent illegal cross-border movement of persons, cargo and arms/explosives, as well as the physical cross-border transportation of currency and other bearer instruments.

South America (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of))

Areas of assessment

Legislation

109. Five States have a comprehensive legal framework that adequately incorporates the relevant terrorist offences. Four States have introduced adequate measures for the suppression of terrorist recruitment, and eight have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

110. Two States have adopted legislation to criminalize the financing of terrorism, and four others have introduced legal provisions to address the issue. Anti-money-laundering laws are in force in all but one State. Four States have operational financial intelligence units. Only one State has adopted a range of measures to regulate financial transfers through informal remittance systems, although seven others have some controls in place. Most States have little capacity to freeze without delay funds and assets linked to terrorism, although at least one State has a high level of implementation. No State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

111. The issuance and control of travel documents is effective in eight States of the subregion. Five have implemented effective screening procedures for travellers, and two others have some procedures in place. Six States have implemented adequate measures to prevent abuse of asylum procedures. Customs controls are particularly weak in the subregion. Only one State has adequate provisions in place, although eight States have partial provisions. There is a general need to strengthen airport security, as only three States meet full international requirements and five have implemented partial provisions. Only two States comply with maritime security standards, five have partial provisions, and the rest have not provided adequate information. Three States have adequate legislation and border controls to prevent the illegal cross-border movement of people. Seven States have implemented some measures to monitor and detect the smuggling of weapons and explosives, one has implemented all measures, and four have not provided sufficient information.

Domestic security and law enforcement agencies

112. Six States have fairly strong law enforcement capacity and adequate focus and institutional capacity to deal with counter-terrorism matters. Those States have created dedicated counter-terrorism units. A more comprehensive assessment would require additional information from four States. Seven States have mechanisms for the coordination of counter-terrorism efforts.

International cooperation

113. Six States have comprehensive laws on extradition and mutual legal assistance, and seven have adequate procedures for the exchange of information. The subregion has a high rate of ratification of the international counter-terrorism instruments. Nine States have ratified 10 or more instruments, although their incorporation into domestic law has lagged.

General comments

114. Several States in Latin America have a recurring problem with terrorism and other violent crime and activities. However, most States in the subregion regard the threat of a major attack as relatively low.

115. Although the regulatory regimes for financial institutions and other sectors are improving, the criminalization of the financing of terrorism and strengthening of financial investigation systems are needed.

116. Governments have taken steps to improve their counter-terrorism capabilities and tighten border security, but progress is limited by weak institutions, ineffective inter-agency cooperation and, in some cases, weak legislation. Drugs and arms trafficking are continuing concerns, which will require the implementation of adequate customs and border controls. States in the tri-border area continue to cooperate among themselves in order to better address subregional issues.

Priority recommendations for future action by the Committee

117. The priority recommendations are:

(a) Promote the adoption of legislation to fully implement the international counter-terrorism instruments across the subregion;

(b) Help States improve access to international counter-terrorism and criminal databases, lists and alerts in order to enhance the effectiveness of screening procedures of passengers, travel document security and the prevention of the illegal movement of people and weapons;

(c) Encourage States to implement more completely all international standards concerning aviation, maritime and cargo security.

D. Europe

South-Eastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia and Slovenia)

Areas of assessment

Legislation

118. Legislation against terrorism has improved in the subregion, with four States having a comprehensive legal framework, although laws in four States do not fully cover all the terrorist offences as stipulated in the international counter-terrorism

instruments. Four States have introduced comprehensive measures for the suppression of terrorist recruitment. Five have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

119. Five States have criminalized terrorist financing. Seven States have anti-money-laundering laws. Six States have operational financial intelligence units. Only one State has a range of measures to regulate financial transfers through informal remittance systems, but three others have some controls in place. Most States have little capacity to freeze without delay funds and assets linked to terrorism. No State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

120. Six States have implemented measures to control identity and travel documents, but two need to improve document security and their ability to detect fraudulent papers. The screening of travellers against national and international databases is carried out effectively in only four States, only partially in another and not at all in one. Two States have not reported in this regard. There is insufficient information for four States to assess whether measures to protect the asylum system have been implemented, although three States have reported full implementation, and another has reported partial implementation. With regard to international standards for customs procedures and security, implementation is weak, with only three States reporting partial use of such standards. The situation is the same in aviation security. Maritime security standards are partially implemented by only two of the seven States with maritime borders. More information is needed in order to make a proper assessment in those areas. Only three States have sufficient legislation and border controls to prevent illegal cross-border movement of people, but two others have some capabilities. Four States have policies and measures in place to counter the trafficking of arms and explosives, two have some measures, and one has no capacity in that area.

Domestic security and law enforcement agencies

121. Seven States of the subregion have developed, either fully or partially, the strategies, institutions and inter-agency relationships necessary to combat terrorism. Two States have dedicated counter-terrorism capacity within their law enforcement agencies, and five have taken steps in that direction. Almost all States report the introduction of significant laws for the control and production of weapons.

International cooperation

122. Seven States have adequate provisions on mutual legal assistance and exchange of information. The rate of ratification of the international instruments is high across the subregion, as all States have ratified 10 or more instruments. The level of cooperation with European States is high, while it remains low within South-Eastern Europe, due largely to political tensions.

General comment

123. Despite the difficult recent history of the subregion, most States are making good progress in most areas of counter-terrorism, including legislation, financial regulations and international cooperation, with the exception of one or two States that need improvement. However, many States have provided insufficient information to allow proper assessment to be made in many areas of border control and domestic security/law enforcement. In general, insufficient border controls and weak law enforcement capacity raise concerns, particularly as arms trafficking and human smuggling are major problems in the subregion.

Priority recommendations for future action by the Committee

124. The priority recommendations are:

(a) Encourage States to build the capacity of their prosecutorial and judicial agencies in order to deal effectively with serious offences, including acts of terrorism, and provide training to those agencies;

(b) Facilitate the establishment of the regional mechanisms needed for international cooperation in criminal proceedings;

(c) Provide training on international cooperation to the relevant judicial and prosecutorial agencies;

(d) Encourage States to strengthen border security at points of entry in order to prevent illegal cross-border movement of persons, cargo and arms/explosives, as well as currency and other bearer instruments.

Eastern Europe (Belarus, Czech Republic, Estonia, Hungary, Poland, Latvia, Lithuania, Moldova, Russian Federation, Slovakia and Ukraine)

Areas of assessment

Legislation

125. Six States in the subregion have adequate legislation in place covering all the relevant terrorist offences, and nine have introduced comprehensive measures for the suppression of terrorist recruitment. All have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

126. All States but two have at least some legal provisions to criminalize terrorist financing. Anti-money-laundering laws are in place in all States, and all except one have operational financial intelligence units. Four States implement a range of measures to control financial transfers through informal remittance systems, while four others have some measures in place. Most States have limited capacity to freeze without delay funds and assets linked to terrorism, although some States in the subregion have made rapid progress in improving implementation in that area. Similarly, no State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

127. Measures to ensure travel document security, the ability to detect fraudulent identity and travel documents, and the screening of travellers are in place in all 11 States. Asylum procedures are protected from abuse by terrorists in nine States, and are partially protected in one State. Customs clearance measures and procedures to ensure cargo security and control standards are in effect in 10 States. International standards for aviation security have been instituted in nine States, with information being insufficient to evaluate the remaining two. Of the nine States with maritime borders, eight have implemented international standards for port and ship security. Measures to prevent the illegal cross-border movement of persons are implemented in eight States, and nine effectively monitor and control the import and export of arms and explosives.

Domestic security and law enforcement agencies

128. All States — except one, for which there is insufficient information — have developed strategies and set up institutional structures to combat terrorism. All have dedicated counter-terrorism units within their domestic security apparatus. A total of 10 States have policies and measures in place to monitor, regulate and control the production, sale and transfer of arms and explosives.

International cooperation

129. Most States have adequate provision for mutual legal assistance and extradition. All have procedures in place for the exchange of information. The States in the subregion have a high rate of ratification of international counter-terrorism instruments, as all of them have ratified 10 or more.

General comments

130. As most States have the necessary laws on counter-terrorism in place and are parties to a high number of international counter-terrorism instruments, the challenge in the subregion lies in the implementation of laws and practices.

131. On the whole, the subregion has developed the strategies, processes and measures necessary to implement an adequate level of control in the areas of border security, immigration and customs controls. Nonetheless, it remains at risk for the smuggling of arms, explosives, goods and people, as well as the illicit physical cross-border transportation of currency and other bearer instruments.

Priority recommendations for future action by the Committee

132. The priority recommendations are:

(a) Encourage States to build the capacity of their prosecutorial and judicial agencies in order to deal effectively with serious offences, including acts of terrorism;

(b) Encourage States in the subregion to take advantage of law enforcement and other training opportunities in order to enhance the implementation of counter-terrorism laws;

(c) Promote the continued modernization of technical systems in order for States to comply with improved standards for customs security, travel document

security and the prevention of arms/explosives trafficking, as well as the monitoring of cross-border transportation of currency and other bearer instruments.

Western European and other States (Andorra, Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America)

Areas of assessment

Legislation

133. Most States in this group have either established a comprehensive counter-terrorism legislative framework or are close to establishing one. Steps need to be taken to adequately suppress terrorist financing. Most States have introduced comprehensive measures for the suppression of terrorist recruitment and established jurisdiction for the offences.

Counter-financing of terrorism

134. A total of 11 States have adequately criminalized terrorist financing, and a further 16 have some legal provisions to address the issue. Anti-money-laundering laws are in place in all 30 States. Similarly, all States have set up financial intelligence units. The implementation of measures to regulate financial transfers through informal remittance systems is uneven. Only 7 States have adopted a range of measures to regulate financial transfers through informal remittance systems; 14 others have set up some mechanisms to address the issue; 2 have no mechanisms in place; while for the remaining 7, there is insufficient information. Almost all States have the capacity to freeze without delay funds and assets linked to terrorism, with a few of them having reached a high level of implementation. In addition, the European Union implements a supra-national regime aimed at ensuring that terrorist funds and assets are frozen within all its member States. Only 3 States implement adequate measures to protect non-profit organizations from terrorist financing, although 21 States have some measures in place.

Border control

135. With the exception of four States which have not provided sufficient information to permit assessment, all members of the group have fully implemented measures for the issuance and control of identity and travel documents and detection of their fraudulent use. Screening of travellers is effective in 24 States and is carried out to some degree in 1 other. A total of 25 States have fully implemented controls over their asylum processes in order to prevent abuse by persons who have committed terrorist acts. Customs clearance measures and control standards are partially implemented in 2 States and fully implemented in another 25. Excepting the five States that have not reported adequately, all members of the group have fully implemented international standards on aviation and maritime security. Controls to prevent the illegal cross-border movement of people are implemented

either fully or partially in 22 States. Similarly, 26 States have reported full measures to regulate and control the import and export of arms and explosives, while information is lacking with respect to the remaining 4.

Domestic security and law enforcement agencies

136. Almost every State in the group has adequate mechanisms and institutional structures in place for law enforcement agencies to thoroughly and appropriately participate in counter-terrorism activities. Law enforcement agencies cooperate within their domestic, regional and international frameworks to a high extent. Almost every State has established a dedicated counter-terrorism unit. Every State has reported policies and measures in place to effectively monitor, regulate and control the production, sale and transfer of arms and explosives.

International cooperation

137. States that are members of the group have effective international cooperation measures, and almost all have adequate mutual legal assistance and extradition laws and information exchange procedures in place. The group members have a high rate of ratification of the international counter-terrorism instruments, with 28 of the 30 States having ratified 10 or more instruments.

General comment

138. The group of Western European and other States has made significant progress towards implementation of resolution 1373 (2001), with the exception of a handful of States. However, because of their highly developed economies and sophisticated financial sectors, most members of the group are vulnerable to terrorist financing. Inadequate capacity to freeze without delay funds and assets linked to terrorism is a cause for concern. Measures on border control, domestic security and law enforcement are fully implemented in most States, although a few of them have not reported sufficient information to permit assessment in certain subcategories.

Priority recommendations for future action by the Committee

139. The priority recommendations are:

(a) Encourage steps to improve the capacity to freeze without delay funds and assets linked to terrorism in most States, and protect their non-profit sector from abuse by terrorist financing;

(b) Foster international cooperation, particularly in information-sharing;

(c) Encourage the establishment of procedures to ensure that asylum seekers and refugees have not committed terrorist acts.

III. Assessment by thematic area

Legislation

140. In order to implement Security Council resolution 1373 (2001), it is essential to establish a comprehensive and coherent legal framework on counter-terrorism. Although many States have introduced extensive penal legislation covering various

criminal acts, such legislation often lacks the requisite specificity, comprehensiveness and complementarity.

141. The intent of the resolution is that States, by enacting specific counter-terrorism legislation, should no longer need to resort to vague legal provisions, ad hoc methods or customized interpretations in order to prosecute terrorist acts. Instead, States should establish a clear, complete and consistent legal framework that specifies terrorist acts as serious criminal offences, penalizes such acts according to their seriousness and helps the courts bring terrorists to justice. This framework should in turn provide the basis for the development of a domestic counter-terrorism strategy that is rooted in a legal approach, ensures due process of law in the prosecution of terrorists and appropriately protects human rights, while combating terrorism as effectively as possible.

142. Although most States have taken significant steps towards the development of such a legal framework, progress has been more limited in certain regions, such as Africa, South Asia and South-East Asia. Procedural delays in ratification of the international counter-terrorism instruments and their incorporation into domestic law have also slowed the adoption of strong counter-terrorism legal frameworks. Most States have developed, or are in the process of developing, adequate laws establishing court jurisdiction over the relevant offences.

Priority recommendations for future action by the Committee

143. The priority recommendations are:

(a) Promote the adoption of national counter-terrorism legal frameworks that are both coherent and comprehensive, that is, that include all the relevant terrorist offences, define the scope of terrorist acts, specify lawful investigative methods, guide criminal procedures in accordance with respect for human rights, designate the jurisdiction of the courts, prescribe set penalties and streamline sentencing;

(b) Encourage States to provide the relevant officials with the training necessary to implement the counter-terrorism legal framework, for example, in areas such as investigation, prosecution, sentencing and extradition.

Counter-financing of terrorism

144. Security Council resolution 1373 (2001) devotes considerable attention to counter-financing of terrorism. In implementing the related provisions of the resolution, States are able to draw on many established legal, policy and institutional tools that either build on existing anti-money-laundering measures or were developed specifically to counter terrorist financing. Over recent years, States have introduced a vast array of legal provisions and policies, established dozens of institutions and trained thousands of officials worldwide in measures aimed at combating terrorist financing. Almost all States have introduced at least some preventive measures to protect their financial systems from abuse. Many have established financial intelligence units.

145. However, effective implementation remains elusive. Some regions still lack the basic components of a regime to counter terrorist financing, and implementation in other regions is uneven. Many States do not yet have in place the necessary laws, policies, institutions or trained staff. A major shortfall for many States, particularly

those in East and West Africa, the Pacific islands region, South-East Asia and Latin America, is the absence of laws criminalizing the financing of terrorism in accordance with paragraph 1 (b) of the resolution. Moreover, very few States have introduced effective mechanisms to implement fully the provisions that require States to freeze without delay the funds and assets of terrorists, as required by paragraph 1 (c) of the resolution. The capacity to do so requires several components, which are absent in almost all States.

146. There is a need for new initiatives to tackle terrorist financing in the world's many predominately cash-based economies. Measures aimed at protecting only formal financial systems will not be sufficient. It is essential to seek creative approaches that can prevent terrorists in cash-based economies from acquiring funds, whether in the form of cash, through the smuggling of goods, or through the illicit manipulation of trade-based transactions. The non-profit sector is arguably the most vulnerable to terrorist financing and the most difficult to regulate and monitor. It also suffers from a proven vulnerability to abuse by terrorists and their supporters for the funding of terrorist acts. Most States lack the measures needed to protect non-profit organizations from intentionally or inadvertently contributing to terrorist financing. The challenge is to implement such measures without imposing excessive regulations that would put unacceptable constraints on the non-profit sector, which is a vital component of the world economy and of many national economies. Significant attention should therefore be devoted to protecting this sector against exploitation by terrorists, including through the development of standards and codes of practice, and the delivery of the necessary technical assistance and training.

Priority recommendations for future action by the Committee

147. The priority recommendations are:

(a) Facilitate the legal and institutional capacity to investigate financial crimes and seize funds linked to terrorism;

(b) Encourage States to share financial intelligence with international counterparts;

(c) Promote implementation of new initiatives for preventing terrorist financing in predominately cash-based economies.

Border control

148. The implementation of border control measures is essential to the practical application of States' counter-terrorism strategies. When effectively institutionalized and properly enforced, such measures greatly facilitate a State's ability to successfully combat terrorism. These measures include, but are not limited to, controls on immigration and asylum procedures; proper screening of travellers and identity documents; implementation of international standards for cargo, aviation and maritime security; physical security of land border crossings, airports and seaports; and practices to prevent the illegal cross-border movement of persons, cargo, arms and explosives. The international organizations engaged in those areas have developed a wide range of relevant guidelines and best practices.

149. Implementation varies from region to region, depending on factors such as type, accessibility and length of borders; institutional capacity; and technological

resources. Factors such as armed conflict, border disputes and uncontrolled territory can also severely undermine States' efforts in this regard. The greatest impediment to the proper assessment of those efforts is the lack of detailed reporting by many States — especially those in Africa, the Pacific islands region, South-East Asia, Western Asia, Central America and the Caribbean, and South-Eastern Europe.

150. In general, States have taken steps to implement controls on immigration procedures, and most have taken steps to enhance integrity in the issuance of identity and travel documents, to include modern security features in travel documents and to establish the capacity to detect fraud. Most States have also begun to screen travellers and conduct background checks on visa applicants. However, few States have introduced measures to prevent terrorists from abusing asylum procedures and refugee status, as required by paragraph 3 (f) and (g) of the resolution.

151. Many States have introduced policies and mechanisms to increase the security of the international trade supply chain based on the application of international customs standards. The same is true of standards to increase aviation and maritime security. However, many States have done no more than express their intention to implement such measures, and the same is true of measures to detect and prevent the illegal cross-border movement of people, arms and explosives. Many States have introduced measures to combat illegal immigration and trafficking in arms and explosives, but wider, more consistent implementation is required in most regions.

Priority recommendations for future action by the Committee

152. The priority recommendations are:

(a) Promote the implementation of international standards for customs, aviation and maritime security;

(b) Encourage the adoption of best practices in border control where such practices have proven their effectiveness, as in the fields of travel document security, traveller screening and cargo security;

(c) Enhance coordination among police and border control agencies;

(d) Encourage States to gain and provide better access to international counter-terrorism and criminal databases in order to enhance abilities to detect and exclude persons involved in terrorism.

Domestic security and law enforcement agencies

153. Effective practical implementation of counter-terrorism policies and procedures requires a well-defined strategy for combating terrorism, bolstered by a strong and well-coordinated domestic security and law enforcement apparatus that can detect, prevent and investigate terrorist activities. States should ensure that counter-terrorism measures are managed and conducted by appropriate law enforcement agencies and should create dedicated counter-terrorism units in order to capitalize on expert capacity within their law enforcement institutions.

154. Coordination and cooperation among law enforcement agencies is essential at the domestic, regional and international levels. The timely exchange of operational counter-terrorism information is also crucial. States are encouraged to establish

early warning mechanisms within their national systems, with other States, and with regional and international bodies. The relevant law enforcement agencies and personnel must have access to dedicated resources and information, including the various international databases, as well as to information on the activities of terrorists, their movements and use of technologies and weapons. States must also implement policies and measures to effectively control the production, sale and transfer of weapons and explosives.

155. Domestic legislation should ensure that law enforcement agencies have the necessary operational flexibility and the funding, training and judicial oversight they need to enhance their professional capabilities. Agencies should collaborate with prosecutors and courts within a framework of accountability and respect for the rule of law in order to gain public trust and ensure the integrity of the entire counter-terrorism effort, from prevention through prosecution and punishment of the perpetrators of terrorist acts.

156. Most States in Asia, Latin America and Europe have reported positive developments in the implementation of those measures, but many States in West and East Africa and Central America and the Caribbean have yet to submit the relevant information. Many States have yet to develop dedicated counter-terrorism units, and some, such as those in the Pacific islands region and in Central America and the Caribbean, have not institutionalized the requisite capacity or coordination mechanisms. Except for Western Asia, Africa, and Central America and the Caribbean, the majority of States in most regions have adequate laws on weapons production.

Priority recommendations for future action by the Committee

157. The priority recommendations are:

(a) Promote inter-agency coordination and the exchange of counter-terrorism information at the national, regional and international levels;

(b) Encourage States to establish dedicated and permanent counter-terrorism units, with the assistance of experts seconded from various specialized institutions, in areas such as criminal law, counter-financing of terrorism and border control;

(c) Encourage greater cooperation with INTERPOL and increased utilization of its resources and databases, such as red notices and watch lists.

International cooperation

158. Because the threat from international terrorism is universal and many terrorist attacks are cross-border in nature, a key objective of resolution 1373 (2001) is to increase international cooperation, especially in the areas of information exchange, mutual legal assistance, extradition and denial of safe haven to terrorists. Most States, in most regions, now have adequate laws and measures in place to grant mutual legal assistance and enable extradition, especially on the basis of reciprocity. However, several States in Western Asia, South Asia and Africa have yet to enact the relevant laws, streamline the relevant procedures or remove the relevant legal and operational obstacles with a view to strengthening international cooperation.

159. An important component and barometer of international cooperation in the field of counter-terrorism is ratification of the 16 international counter-terrorism instruments. A significant majority of Member States from all regions have become parties to 10 or more of those instruments. However, in order to make the instruments fully effective, States should adopt domestic legislation that specifically criminalizes the offences set forth in the instruments, sets appropriate penalties and establishes jurisdiction over the defined offences in order to ensure that suspects are either extradited or prosecuted. In certain regions, States have enacted little or no implementing legislation in this regard.

Priority recommendations for action by the Committee

160. The priority recommendations are:

(a) Encourage States not only to ratify all international counter-terrorism instruments, but also to incorporate the elements of those instruments into their domestic laws;

(b) Promote and facilitate training for members of the judiciary, law enforcement agencies and other relevant civil servants in procedures for requesting and offering assistance in criminal investigations and extradition matters.

Human rights

161. As has been emphasized on numerous occasions by the Security Council, Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular, international human rights, refugee and humanitarian law.

162. However, United Nations human rights mechanisms continue to express concerns over measures that appear to violate States' obligations under international law. Such measures have been identified, to varying degrees, in virtually all the world's regions. In connection with resolution 1373 (2001), those concerns fall into several categories.

163. With respect to the requirement that States establish terrorist acts as serious criminal offences in domestic laws and regulations, concerns have been raised over vague or overbroad legal definitions of terrorist acts or groups which infringe the principle of legality and may be used to suppress freedom of opinion, expression and association in a manner that violates State obligations under international human rights law.

164. With respect to the need to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, a number of concerns have been raised regarding certain aspects of the administration of justice in some Member States, including conduct that violates State obligations under international human rights law that involves disregard for the presumption of innocence, the use of incommunicado detention, the practice of torture, denial of access to the court system and due process rights, extended or indefinite detention without trial, and excessive use of force by law enforcement agencies.

165. As for international cooperation, United Nations mechanisms have expressed concern over the transfer of terrorism suspects and where such transfer would be contrary to States' non-refoulement obligations under international law, including the obligation of State Parties under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment not to expel, return or extradite a person to another State where he or she would be in danger of being subjected to torture. Whether or not States use diplomatic assurances, they must ensure that they comply with their obligations with regard to the principle of non-refoulement. Concerns have also been expressed about the erosion of the right to seek asylum and counter-terrorism measures that undermine the humanity and dignity of asylum seekers.

Priority recommendations for future action by the Committee

166. The priority recommendations are:

(a) Continue to take account of relevant human rights concerns in the assessment of States' implementation of the resolution and include such concerns in dialogue with States;

(b) Strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and other human rights authorities;

(c) Identify States' needs with respect to enhancing institutions and strengthening the rule of law, and recommend, where appropriate, that States consider seeking relevant assistance from the Office of the United Nations High Commissioner for Human Rights and other assistance providers.

Annex

Relationship between the survey of the implementation of Security Council resolution 1373 (2001) and the preliminary implementation assessment

Area of counter-terrorism activity	*Implementation categories relevant to Security Council resolution 1373 (2001)*	*Corresponding section of the preliminary implementation assessment*
Counter-terrorism legislation	Terrorist offences: comprehensive and coherent national legal framework	2.6.1 2.6.2 1.2.3
	Transposition of international instruments	2.6.1 3.4.2
	Criminalization of terrorist financing	1.2.1 1.2.2
	Criminalization of recruitment	2.1.1 2.1.2
	Jurisdiction of courts extends to acts committed abroad by nationals or foreign nationals currently within State	2.6.3 2.6.4 2.6.5
Financial legislation	Money-laundering legislation	1.1.1
	Financial intelligence unit: established and operational	1.1.5
	Customer due diligence: verification of client identity and record-keeping	1.1.8
	Reporting obligation covers money-laundering and terrorist financing	1.1.2
	Reporting obligation extends to all intermediaries	1.1.3
	Penalties for non-compliance with reporting obligation	1.1.4
	Alternative remittance systems	1.1.7
	Freezing capacity	1.3.1 1.3.2
Border control	Illegal migration and human smuggling	2.4.2 2.4.4 2.4.5 2.8.1 2.8.2
	Traveller screening on the basis of national/international information	2.4.2 2.8.1 2.8.2

Area of counter-terrorism activity	*Implementation categories relevant to Security Council resolution 1373 (2001)*	*Corresponding section of the preliminary implementation assessment*
	Asylum measures	2.4.3 3.5.1 3.5.2 3.5.3 3.5.4
	Customs and the implementation of international standards	2.8.4
	Identity and travel documents: issuance, control and fraud detection	2.8.3 2.8.1
Domestic security and law enforcement agencies	Counter-terrorism strategy: coordination of law enforcement agencies	2.3.1 2.5.1
	Law enforcement agencies: establishment of counter-terrorism units	2.1.2 2.6.2 2.3.2
	Aviation security: implementation of international standards	2.8.4
	Maritime security: implementation of international standards	2.8.4
Special activities	Arms and explosives: effective control of production, sale and transfer	2.2.1
	Import-export of weapons: monitoring and detection of smuggling	2.2.2
	Non-profit organizations: effective monitoring	1.1.6
International cooperation	Mutual legal assistance and extradition: comprehensive and coherent domestic legal framework	2.7.1 3.2.1 3.3.1 3.6.1 3.6.2
	Exchange of information: operational channels of communication	3.1.1
	International counter-terrorism instruments: status of ratification	3.4.1
Human rights	Concerns raised by United Nations human rights bodies	Overview 1.2.4 1.3.2 2.6.1 2.6.2 2.7.2 3.5.2 3.6.2

United Nations S/2008/380

Security Council

Distr.: General
11 June 2008

Original: English

Letter dated 10 June 2008 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

I have the honour to attach herewith a letter from Hoshyar Zebari, Foreign Minister of the Republic of Iraq, addressed to you concerning the mandate review of the Multinational Force. I have further the honour to request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) T. Hamid **Al Bayati**
Ambassador
Permanent Representative

08-37623 (E) 120608

Annex to the letter dated 10 June 2008 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

During the last six months, Iraq has seen a continuation and consolidation of the trends witnessed last year, namely, a significant reduction in the overall violence and the number of terrorist attacks in Iraq. These positive results have been achieved through concerted government action involving security, political and economic measures that have strengthened national reconciliation and political inclusion, elements that bode well as we look forward towards our forthcoming provincial elections in October.

On the security front, let me note in particular the Iraqi Government's successful imposition of the rule of law in Basra, a city where until recently the authority of the state had been challenged by unlawful militias and armed groups. The willingness of the Iraqi Government to confront head-on illegal militias and armed groups that challenge the rule of law, not only in Basra but everywhere in Iraq, demonstrates the progress achieved in the development of the Iraqi security forces, and their capacity to undertake increasingly difficult missions.

On the political front, we have achieved significant progress, with the passage of key legislation, namely, the Justice and Accountability Law, the Amnesty Law, the 2008 Budget, and the Law on Governorates not Organized into Regions. Our Council of Representatives is hard at work to follow up with other key pieces of legislation that will further promote national reconciliation. As things stand, we look with confidence towards Iraq's next major political milestone: the elections scheduled for October 2008. With these elections, Iraq will complete one full electoral cycle.

On the economic front, Iraq has improved its budget execution considerably, in spite of difficult conditions, a result praised at the recent International Compact with Iraq's Ministerial Conference, and has managed, through sound monetary policy, to cut down on core inflation, measures that are of great benefit to all Iraqis.

Regionally, the relationships between Iraq and its neighbours continue to develop. Our meetings with our neighbours, expanded to include the permanent members of the Security Council and the world's leading economies and other key countries and organizations are now an ongoing Iraqi-led process recognized and supported by the United Nations. This process has led to concrete mechanisms through which Iraq and its neighbours can address issues of common concern.

Yet threats persist, and security remains the leading concern and foremost responsibility of the Government of Iraq. Even though the Iraqi security forces are now better trained, better equipped and greater in number, they still are unable to assume full responsibility for the maintenance of security on all Iraqi territory.

Iraq, therefore, still needs the assistance and support of the Multinational Force, whose mandate is now due for review, pursuant to Security Council resolution 1790 (2007), and in accordance with Iraq's request expressed in Prime Minister Nuri Kamel al-Maliki's letter addressed to the President of the Security Council dated 7 December 2007 (see annex II to the resolution).

In this regard, the Government of Iraq welcomes the continued support of the Multinational Force consistent with its mandate as set forth in Security Council

resolution 1546 (2004), including the tasks and arrangements specified in the letters annexed thereto, as extended by resolutions 1637 (2005), 1723 (2006) and 1790 (2007), and recognizing that the mandate may be terminated upon request by the Government of Iraq.

Note that Iraq is currently negotiating bilateral security arrangements with the United States of America and other friendly nations that should, once implemented, address Iraq's security needs currently covered by the mandate of the Multinational Force. These security arrangements should reflect the progress achieved in the development of Iraqi security forces. The Government of Iraq is grateful to the Multinational Force for its vital contribution towards the development of Iraqi forces, and towards establishing security and stability in Iraq.

Equally, the Government of Iraq wishes to express its appreciation for the work of the United Nations Assistance Mission for Iraq, as set forth in resolution 1770 (2007) and notes that the trend to increase the presence of the United Nations and its specialized agencies in Iraq should be continued.

The Government of Iraq also welcomes the continuation of the current arrangements affecting the Development Fund for Iraq and its International Advisory and Monitoring Board as extended in resolution 1790 (2007). The Government of Iraq reaffirms the important roles of the Development Fund for Iraq and the International Advisory and Monitoring Board in ensuring the responsible management of Iraq's resources to the optimum benefit of the Iraqi people. It also acknowledges the contribution of these mechanisms towards strengthening Iraq's partnership with the international community through transparency and accountability in resource distribution.

The Government further requests a reconsideration of Iraq's compensatory obligations that have increased considerably in magnitude in the last year and that continue to put pressure on the Iraqi budget and reconstruction and development programmes.

In spite of the difficulties facing us, the people of Iraq remain determined to establish a democratic, federal, stable and united Iraq. Their democratically elected government is equally determined to establish a secure environment in Iraq, where the Iraqi population will feel protected and where a prosperous and vibrant economy will develop. We are certain that the international community will help us achieve these objectives so that Iraq becomes, once again, an active and supportive member in the family of nations.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs

United Nations S/2008/381

Security Council

Distr.: General
11 June 2008
English
Original: French

Letter dated 9 June 2008 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council

In reference to the letter dated 5 May 2008 from Mahmoud Ali Youssouf, Minister for Foreign Affairs and International Cooperation (S/2008/294, annex), which was also addressed to the Secretary-General of the United Nations, Ban Ki-moon, and further to our meeting on the illegal occupation of a portion of our soil by Eritrean troops, in particular, in Ras Doumeira (Gabla and Doumeira Island), I have the honour to inform you that as of this date, the Security Council has not taken appropriate action on our request.

I believe that you have been led astray by the mediation attempts of regional organizations, in particular, the League of Arab States and the African Union, which have skewed your real perception of the situation.

Although we have explored all the necessary avenues in a bilateral and regional framework, those actions have led us nowhere; all that has happened is that Eritrea has strengthened its troops and made further incursions into our territory in several places.

Unfortunately, all our intense and sustained efforts of the past several weeks in the hope of finding a solution to this crisis have been met with disdain and rejection by the Eritrean authorities.

Similar efforts have been undertaken by friendly countries, and regional organizations such as the African Union, the Arab League and the Organization of the Islamic Conference, have dispatched good offices missions, which have failed because of the systematic opposition of Eritrea, which categorically denies that our countries have even the slightest border issues and continues to insist that:

> "Eritrea is not inclined to get engaged in fabricated problems which are part of external interferences designed to foment crisis in the region. In this event the Government of Eritrea is not prepared to engage in a fruitless public acrimony at this stage".

Fortunately, thanks to the wisdom of our successive leaders, from the time we gained independence to the present day, our regional policy is rooted in neutrality, friendship and respect for good neighbourliness and non-interference in the domestic affairs of other countries of the region, including, of course, Eritrea. We believe in this and we live intrinsically by this policy, which has, among other things, enabled us to live in peace in a region of perpetual crisis. We therefore fail to

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understand remarks like "external interferences" by the Eritrean authorities, which are baseless allegations and run counter to the cardinal vision of our regional policy.

Contrary to what has been reported in various quarters, this is the first time that Eritrean troops are violating our territory and occupying a portion of our soil. In 1996, the Eritrean authorities briefly floated a false map. That, too, was withdrawn in response to our immediate reaction.

When, in 1998, our late President, who was serving on a delegation appointed by the then Organization of African Unity in order to resolve the conflict between Ethiopia and Eritrea, was the target of malicious remarks by the President of Eritrea at a meeting in Ouagadougou (Burkina Faso), diplomatic relations between the two countries were suspended for several years.

Situation on the ground, as reported by both our military authorities and third and independent parties

On Friday, 9 May 2008, a delegation from the Peace and Security Council of the Arab League visited our headquarters and reported that the Eritrean Army was present in Djiboutian territory in several places and that intensive work was being carried out non-stop in Ras Doumeira and Doumeira Island (ditches, holes, roads and the like).

Eritrean troops categorically refused to show the work that was being done to members of the delegation, who managed to view only some of it, all the while that weapons were being pointed in their direction.

A second visit took place on Thursday, 15 May 2008, when a high-level Djiboutian military delegation came to Ras Doumeira (top of Doumeira Mountain) and Doumeira Island on board two helicopters.

Our military authorities attempted to climb on foot to the top of Ras Doumeira in order to make observations. Halfway there, they were prevented from continuing to the summit and were arrested by armed Eritrean soldiers. They noted the steady intensification of the work and the risk of a confrontation between the two forces.

Our military authorities also went to Doumeira Island and observed that the tension there was exactly the same as it was at Ras Doumeira.

Further to that observation, our military authorities came to the following conclusion:

> "This situation of extreme tension between our forces stationed so close to each other cannot go on, and we cannot tolerate the threat of foreign troops on our soil indefinitely".

High-level foreign military experts also went to the scene to observe and assess the actual situation on the ground. A delegation from the African Union was there and affirmed that the situation at the border was hardly likely to improve good-neighbourly relations between the two countries.

Lastly, in his article in the *New York Times* of Sunday, 25 May 2008 ("A conflict's buffer zone: rocks, and inches"), Jeffrey Gettleman, after being on the scene, indeed noted the presence of hundreds of Eritrean troops at several places in our territory. He reported the following:

> "The distance between the rival armies is shorter than the barrel of a gun. Hundreds of opposing troops are lined up on the border, staring each other down, from just inches away".

We have therefore come to the conclusion that — although they do not openly admit this — de facto, the Eritrean authorities do not recognize our borders and intend to appropriate a strategic part of our sovereign national territory without justification.

Thus far, our country has shown patience (the crisis began in January 2008), and from the outset, we have favoured and deferred to diplomacy with a view to resolving this crisis peacefully.

All those efforts have been flatly rebuffed by the Eritrean authorities, whose attitude and conduct, moreover, have been disdainful, haughty and irresponsible.

The crisis is growing worse by the day. We believe that the current status quo will continue to be unbearable and cannot go on indefinitely.

We hope that the Security Council will give special consideration to and fully exercise its role in this matter, and that it will assume its responsibilities with regard to this crisis and take swift and appropriate measures, namely, by dispatching a field mission to evaluate the situation and demand that troops immediately pull back to their previous position. We believe that this is the only way to prevent this crisis on time; otherwise, it will have disastrous consequences in an already troubled region that does not need another conflict.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Roble **Olhaye**
Ambassador
Permanent Representative

United Nations A/62/863–S/2008/382

General Assembly
Security Council

Distr.: General
11 June 2008
English
Original: Russian

General Assembly
Sixty-second session
Agenda items 14, 19, 98, 122 and 123

Prevention of armed conflict

The situation in Afghanistan

General and complete disarmament

Question of equitable representation on and increase in the membership of the Security Council and related matters

Strengthening of the United Nations system

Security Council
Sixty-third year

Letter dated 6 June 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit the text of a speech given by Mr. D. A. Medvedev, President of the Russian Federation, at a meeting with German political, parliamentary and civic leaders in Berlin on 5 June 2008 (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the sixty-second session of the General Assembly under agenda items 14, 19, 98, 122 and 123 and of the Security Council.

(*Signed*) Vitaly **Churkin**

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Annex to the letter dated 6 June 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

[Original: Russian]

Speech given by Mr. D. A. Medvedev, President of the Russian Federation, at a meeting with German political, parliamentary and civic leaders in Berlin on 5 June 2008

I ask you please to be patient because my speech is rather long, but I hope it will not be at all boring.

I am grateful to you for giving me this opportunity to address German political and civic leaders. Present here today are people who have years of cooperation with Russia behind them, people whose personal initiatives, professional qualities and creative projects are developing the spirit of partnership and cooperation between our countries and peoples.

It is in large part thanks to your efforts that we have such regular, wide-ranging and substantial contacts today. I hope that my first visit to the Federal Republic of Germany as President of the Russian Federation will help them continue to grow and develop.

Russia and Germany are two European countries that have traversed difficult times in history. Step by step they have built up trust in each other and in so doing have truly set a unique example for Europe and done much to install a climate of growing trust throughout the European continent.

Despite the tragedy of two world wars, we have succeeded in bringing about definitive historical reconciliation between our countries. Time was needed for this to happen, but more important was the part played by the humanistic ideals and values that are shared by all of Europe and are an integral part of the culture of Russia and the unified Germany. I agree with my colleague, Vice Chancellor Steinmeier, that relations between Russia and Germany mirror to a large extent the relations between Russia and Europe as a whole.

Many are asking themselves today what political line we can expect of Russia. I have answered this question on many different occasions. I want to say from the outset that in both international and internal affairs we are committed above all to the rule of law and to having all countries, above all the big Powers, respect international law. There can be no doubt that this is an essential condition for managing and maintaining world development. This is all the more important now that the artificial bipolar system is giving way to a more natural poly-centred international system with the United Nations at its heart.

The founders of this system, the founders of the United Nations, showed great foresight and established the United Nations as an organization in which countries would cooperate on an equal basis. There is no other such organization in the world and the coming years are not likely to produce one. Attempts to replace the United Nations with "exclusive format" groups (as is sometimes proposed) would have a totally destructive effect on the current world order.

Of course, the United Nations does need to modernize in order to better respond to the realities of today's multi-polar world. The United Nations Security Council needs to be reformed on the basis of broad consensus between United Nations Members. We value Germany's commitment to seeking compromise solutions in this respect that would not cause division within the organization.

The future world order is directly linked to the future of Europe, the whole Euro-Atlantic region, and therefore the future of European civilization in its entirety.

I am certain that we cannot solve Europe's problems until we achieve a sense of identity and an organic unity between all of its integral components, including the Russian Federation. Having cast aside the Soviet system and any idea of its restoration, Russia has laid the foundations of a State that is completely compatible with the rest of Europe or, to be more precise, with the best of all that makes up the common heritage of European civilization.

To use the words of John Le Carré, Russia has "come in from the cold" after almost a century of isolation and self-isolation. Russia is now actively returning to global politics and the global economy, bringing with it all its natural, financial and intellectual resources and possibilities.

Russia is staking its future on innovation. Steadily improving macroeconomic indicators and a high level of financial, social and political stability for serious players on the European and global markets are opening up new horizons for reliable and modern investment.

Our goal today is not just to achieve a high quality of economic growth but also to transform the whole social structure of our society, including through support for the fast-growing middle class. It is the middle class that will provide the solid foundation on which we can build democracy and ensure sustainable development in general.

The outlines of our new long-term economic policy are clear today. This policy focuses on full and comprehensive modernization of key areas of industry and infrastructure. What we are talking about is a technological revolution and in this context one of our clear priorities is to cooperate with European States in this work.

I will say more about these matters today, but I want to say now that one thing is clear: a free market and openness to the outside world guarantee that our changes cannot be reversed.

The end of the cold war made it possible to build up genuinely equal cooperation between Russia, the European Union and North America as three branches of European civilization.

It is my conviction that Atlanticism as a sole historical principle has already had its day. We need to talk today about unity between the whole Euro-Atlantic area from Vancouver to Vladivostok. Life itself dictates the need for this kind of cooperation.

But looking at the future construction of relations between the countries of Europe, we see a worrying tendency to take a selective and politicized approach to our common history.

In this respect I think that normal honest academic debate is needed. The significance of the Russian-German reconciliation is clearly underestimated. It is just as important for the peaceful future of Europe as was, say, the reconciliation between France and Germany.

We especially need to be aware of the consequences of marginalizing and isolating countries, creating zones with differentiated levels of security and abandoning the creation of general regional collective security systems.

We also cannot allow ourselves to be stripped of our common spiritual and moral heritage that was the great victory over fascism. We cannot forget that the preservation of Europe's material culture during those war years came at the price of many millions of lives sacrificed by the peoples of the Soviet Union and by other European peoples.

Let us take a close look at the situation in Europe today. It is hard to escape the conclusion that Europe's current architecture still bears the stamp of an ideology inherited from the past. An organization such as the Organization for Security and Co-operation in Europe could, it would seem, embody European civilization's newfound unity, but it is prevented from doing so, prevented from becoming a full-fledged general regional organization.

The problem lies not only in the organization's own incomplete institutional development but also in the obstruction created by other groups intent on continuing the old line of bloc politics.

The North Atlantic Treaty Organization (NATO) has also failed so far to give new purpose to its existence. It is trying to find this purpose today by globalizing its missions, including to the detriment of the United Nations prerogatives, which I mentioned just now, and by bringing in new members. But this is clearly still not the solution.

There is talk of exchanging further NATO expansion to the east for "something else", but I think this is just so many illusions. I am convinced that in such a case our relations with NATO would be completely undermined, ruined for a long time to come. There will not be confrontation of course, but the price would nonetheless be high indeed and would cause serious damage.

Afghanistan provides one of the clearest possible examples of how NATO and Russia share the same fundamental security interests. We are actively helping our partners working in that country. At the Russia-NATO summit in Bucharest we took the important step of agreeing on land transit for non-military cargoes via Russian Federation territory. We are completing work on the use of our military-transport aircraft. Russia is expanding training opportunities for Afghan anti-drugs and anti-terrorism personnel. These are all areas where we need to keep working together.

This is all extremely important for reaching the objectives set by the international community through the United Nations Security Council. Does it make sense to jeopardize this cooperation for the sake of a bloc politics approach that continues by inertia?

I believe that only by openly and honestly sharing all our current concerns with each other can we make progress in building a genuine greater Europe. Our predecessors during the cold war years managed to draw up the Helsinki Final Act

(which, as the legal foundation for the European system, has withstood the test of time despite all the difficulties encountered), and so why should we not be able to take the next step today? Namely, drafting and signing a legally binding treaty on European security to which the organizations currently working in the Euro-Atlantic area could become parties.

There were attempts to conclude such an agreement in the past. Suffice it to recall the Briand-Kellogg Pact of 1928. But that agreement failed to work and shared the sorry fate of the League of Nations. In today's world, when no one wants war in Europe and we have all been made wiser by the lessons of the twentieth century, such an agreement has a better hope of success.

We could look at a regional pact based, naturally, on the principles of the United Nations Charter and clearly defining the importance of force as factor in relations within the Euro-Atlantic community. This pact could achieve a comprehensive resolution of the security and arms control issues in Europe that are of such concern to us all.

I also propose that we consider holding a general European summit to start the process of drafting this agreement. Absolutely all European countries should take part in this summit as individual countries, leaving aside any allegiances to blocs or other groups. National interests stripped bare of any distorting ideological motivations should be the starting point for all taking part.

In my view, the main thing is that, unless we cut back on military spending, we shall not be able to find the resources needed to respond effectively to the real challenges we face such as illegal immigration, climate change and global poverty.

These challenges cannot be resolved through the use of force. They need to be dealt with at their source, by addressing the problems that give rise to these threats in the first place.

This includes the global food crisis, which is not only affecting people's material existence today but also raises ethical questions when food crops are used to produce fuel that has negligible energy efficiency.

This also includes energy security, which we can ensure only through the collective effort of all participants in the energy chain.

It was Russia that raised this issue at the G-8 summit in St. Petersburg. But we need to go further today and build on the principles we agreed on back then. We are ready to work with the European Union on creating an early warning mechanism in the energy sector, with the participation of transit countries, of course.

We are also ready to examine the possibility of establishing international consortia that would operate transit pipelines with the participation of companies from Russia, the European Union and the transit countries. This is an example of the interdependency that we have been talking about in Europe and in the globalizing world in general.

Along with this productive work on putting in place a common European strategy, we also need to work together on innovative progress and develop a common technological space together.

European integration must not and should not stop on the shores of the Baltic or the borders of Eastern Europe. Increased investment in the high-tech sectors is a necessary step.

The united Europe has an objective interest in increasing the volume and quality of Russian investment. We will give serious support to companies seeking to export capital in civilized fashion and become involved in joint organization of promising new production projects. We already have examples of such successful cooperation even in sensitive areas such as the nuclear energy, space, aviation, and transport machine-building sectors.

But today there are restrictions on Russian investment in European companies and projects that are unjustified from an economic and political point of view. We want to establish clear rules and put in place the most favourable conditions possible for foreign entrepreneurs developing high-tech production in our country, and we would like to see the same approach from our partners in Europe.

Ladies and gentlemen,

Russia does not need chaos and uncertainty in today's world. We have no interests that need to be guaranteed through such perverse means.

We often hear calls for Moscow to show restraint. We all need to show restraint in order to prevent escalation on any issue and break the vicious circle of unilateral action and reaction. We need to stop trying to force events and pursuing a fait accompli policy. We should start by simply taking a little time out to look at where we have come to and what we now face, whether the issue be Kosovo, NATO expansion or missile defence.

It is highly symptomatic that current differences with Russia are interpreted by many in the West as demonstrating a need to simply bring Russia's policies closer into line with those of the West. But we do not want to be "embraced" in this way. We need to look for common solutions. Sometimes we are simply told: stop being so prickly in international affairs. They tell us that democratic development and human rights issues are secondary; that they can close their eyes to them, and they give us examples of other countries that behave in just this way and with whom they get on fine.

But this approach does not suit us, above all because we think that human rights are one of the most basic and fundamental values. Human rights should not be part of any trade-off. What we welcome therefore is calm and honest discussion on a mutual basis of all the different issues.

In this respect, I should like to point out once more that Russian and European democracy share common roots. We share the same set of values and the same sources of law: Roman, Germanic and French law. I have said in the past that democracy is always shaped by history and by the national setting. We have a common history and we share the same humanitarian values. This common thinking is the foundation that enables us to speak not just the same legal or business language today but, I hope, also the same political language.

Colleagues,

Continuing from what I just said, there is another set of issues on which I would like to comment in more detail, namely, questions regarding the Russian

political system's development. This is a matter of interest at the moment and I think this is understandable.

Unfortunately, however, we also see evidence of misconceptions and even sometimes a distorted understanding of what is taking place in our country.

We attach great importance to improving our political system and developing the institutions of our civil society.

I would like to say a few words about our work to form a mature and effectively functioning party system. This was one of the objectives from the start of democratic transformation in our country. The road has not been easy. We have gone from numerous small parties, one-day parties, parties built around a single person, to establishing large, influential and responsible party organizations.

This work is still in progress of course. When we talk about building political parties, we forget that in many countries, Germany included, this was a process that took decades. We have been working on this for a mere ten years. But the fact that in the last two State Dumas four political parties have represented their voters is already cause for optimism.

The updated electoral laws have done much to create a stable and predictable party system. This has been achieved above all through elections based on party lists and a higher threshold for a party's eligibility to win seats. These were conscious decisions taken to strengthen our country's party system and prevent it from dissipating.

I think that these steps were not only justified but also necessary. They are in keeping with our objectives, with international values and with the demands of Russia's political system.

Support for non-governmental organizations is one of our clear priorities. Many of these organizations were mostly financed from abroad until 2006. I doubt that any developed Western country would tolerate such an overwhelming flood of foreign capital into its own "tertiary sector". We decided therefore to making funding of our own available to support Russian civil society organizations. This was a logical step. We are now spending more and more money every year on supporting different non-governmental organizations, including with State budget money. I should also mention the Public Chamber's successful work. Life has shown that there is a need for this organization, which is essentially laying the foundations for the development of civil society in general.

We very much want to see the emergence of as many non-governmental organizations as possible working on issues such as local self-government and increasing tolerance and inter-ethnic concord.

The ongoing dialogue between the different religions is playing a very positive role. Incidentally, we have seen a fivefold increase in the number of religious organizations registered in Russia over recent years.

But we are well aware that issues such as inter-ethnic tensions are becoming increasingly global in nature and are already a very real problem in many European countries. I think we therefore need to join efforts to devise common approaches in finding solutions to these complex issues.

Now I would like to say a few words on another very topical issue today — that of the mass media and media freedom. I fully agree that media freedom needs to be protected and that this protection needs to be enshrined in the law. Several years ago the media needed protection from enslavement by private companies, and now it needs protection from administrative pressure at various levels.

But overall, as I discussed with the Federal Chancellor today, we are already on the threshold of the complete media freedom — I am talking not about the situation in Russia here but about the situation in the world as a whole — that comes with technological progress, and above all the unstoppable development of the global Internet. To give just one example, in 2000 there were only around 3 million Internet users in Russia. By last year, this figure had already risen to 30-35 million people — one in three or four Russians — and the experts say it will continue to rise fast.

This situation brings to the fore not just the idea of media freedom, which is already guaranteed by modern digital technology, something that cannot now be stopped, but also the problem of how to preserve moral and cultural values in this common information space. This is not just a national issue but a problem confronting all of Europe and the world as a whole. It is one of the serious challenges facing civilization in its entirety.

Ladies and gentlemen,

You have taken part in discussing Russia's long-term development plans and its place in Europe and the world, and will continue to do so, including at the St. Petersburg Economic Forum. I hope to see many of you again tomorrow in our northern capital.

We are very conscious of how difficult the innovative development road we have chosen for our country will be. It is not an easy road for even as great an economic power as Germany. We therefore seek to intensify our cooperation in science and technology, in education, in support for small- and medium-sized businesses and in work between our big companies too.

Consistent and systemic work to improve our business climate, remove excessive administrative barriers, prevent corruption, which is a very serious problem in our country, provide maximum support to small businesses (my first decisions addressed precisely these issues), strengthen the role of the law in our society and State and create an independent and effective judicial system forms the basis for our economic action programme.

We are working actively today on these very important objectives. All this work depends on advancing the role of the law, which is there to protect people's interests and defend their honour and dignity.

I think that we should also consider joint projects in the areas I named above. One possible project would be reciprocal internships for lawyers and judges. Another could be joint programmes for training effective civil servants. The ten years of German contribution to the Presidential Training Programme for Managers is a good base on which to build in this work. Over this time, Russia has trained around 3,500 specialists through this programme and, since 2006, 100 German interns come to Russia every year and learn new skills through the Russian-German cooperation programmes.

There is great demand for these specialists in the Russian regions. The mergers taking place between regions have also opened up new prospects for cooperation with the German federal Länder. Our regions need to learn to speak a common language, as St. Petersburg, Novgorod Region, Kaliningrad Region, Kaluga Region and the corresponding Länder in Germany have done.

We also want to continue practical cooperation in important areas for global development. Russia consistently supports Germany's efforts to continue European Union cooperation in climate change and reducing carbon emissions. We are ready for dialogue on a whole range of environmental protection issues, including issues affecting the Arctic. Many countries today, including Russia and Germany, are marking World Environment Day. Our country is also marking Ecologist's Day for the first time. I would like therefore to take this opportunity to congratulate everyone working in these areas. Just two days ago I held a meeting on this subject and signed a special decree issuing instructions regarding environmental protection.

Ladies and gentlemen,

Bilateral trade between Russia and Germany has grown fourfold over the last six years. It hit a record last year, exceeding $52 billion. Germany is Russia's biggest supplier of imported goods, 90 per cent of which are vehicles, equipment and metal products. Our country is set to become Germany's second-biggest importer over these coming years, after the United States, overtaking even China. Germany is also one of the leaders when it comes to real investment in Russia, with investment already totalling 28 billion euros.

There are also clearly excellent prospects for joint projects involving Russian and German scientists. Introducing and spreading the use of applied developments and effective use of joint intellectual property are issues of particular importance in this respect.

It will be for young people in both our countries to continue Russian-German cooperation and enrich it with new initiatives. You know that youth contacts have already become a major part of our cooperation. As the German poet and thinker Schiller wrote, "Man grows great along with greater goals."

Everything that we invest in our young people today will bring us returns in the future. I am sure that our contribution to their education and to the development of their minds, talents and spiritual wealth is a contribution to the progress and dependable future of our two peoples and of Europe as a whole.

Another obvious resource that can bring us closer together is our compatriots, above all the Russian Germans. Their views and opinions on the development of our relations serve as a kind of litmus test of cooperation between our countries and help us to get rid of hackneyed stereotypes.

In this respect I am very much in favour of modernizing our humanitarian ties. Of course, this is something we need to work on together, and we need to have public support, media interest and the infrastructure of the ties between our different regions and religions behind us.

Colleagues,

Here in Berlin there is a very tangible feeling of how history and modernity, memories of the past and visions of the future are all tightly woven together. Berlin is familiar to every Russian and many Russians have their own special places here.

Berlin today is a lively, exciting, forward-looking city. In this sense it is similar to Moscow, which also has its own specific nature, its own dynamic and energy. There is a strong feeling here of how history binds rather than divides us. I am sure that those who have understood this truth cannot lose.

Thank you.

United Nations A/62/864–S/2008/383

General Assembly
Security Council

Distr.: General
11 June 2008

Original: English

General Assembly
Sixty-second session
Agenda item 10
Report of the Peacebuilding Commission

Security Council
Sixty-third year

Letter dated 30 May 2008 from the President of the Security Council addressed to the Chairperson of the Peacebuilding Commission

I have the honour to refer to paragraph 12 of Security Council resolution 1645 (2005).

In a letter to the Chairperson of the Peacebuilding Commission dated 6 March 2008, which was forwarded to the Security Council on 10 April 2008, the Minister of Foreign Affairs, Regional Integration and Francophonie of the Central African Republic requested the Central African Republic to be placed on the agenda of the Peacebuilding Commission. The Security Council supports this request and invites the Peacebuilding Commission to provide advice and recommendations on the situation in the Central African Republic.

Following prior briefings and consultations on the situation in the country, the Security Council would welcome in particular the advice and recommendations of the Commission in the following areas:

(a) Establishment and conduct of an inclusive political dialogue;

(b) Action by the national authorities and support from the international community to develop an effective, accountable and sustainable national security-sector system;

(c) Restoration of the rule of law, including respect for human rights, and good governance in all regions of the country.

The Security Council considers that the Peacebuilding Commission could play a critical role in enhancing coordination and coherence within the United Nations system and among the wider international community in supporting and consolidating the peacebuilding efforts of the Central African Republic.

(*Signed*) John Sawers
President of the Security Council

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United Nations S/2008/384

Security Council

Distr.: General
13 June 2008

Original: English

Draft resolution

The Security Council,

Welcoming the report of the Secretary-General of 2 June 2008 (S/2008/353) on the United Nations operation in Cyprus,

Noting that the Government of Cyprus is agreed that in view of the prevailing conditions on the island it is necessary to keep UNFICYP beyond 15 June 2008,

Echoing the Secretary-General's firm belief that the responsibility of finding a solution lies first and foremost with the Cypriots themselves, that there now exists an important window of opportunity to make decisive progress which must be fully utilized by all parties in the search for a comprehensive solution, and *noting* the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Welcoming the agreement of 21 March and the Joint Statement of 23 May 2008 which, inter alia, have demonstrated a renewed political willingness to support and engage fully and in good faith with the United Nations efforts, reaffirmed the commitment of the leaders to a bicommunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions, and to consider further civilian and military confidence-building measures,

Welcoming the opening of the Ledra Street crossing which has helped foster greater trust and interaction between the two communities; *reaffirming* the importance of continued crossings of the Green Line by Cypriots, and *encouraging* the opening of other crossing points,

Welcoming the intention of the Secretary-General to appoint a Special Adviser at the appropriate time and to keep the Council informed of further developments and progress,

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains generally stable, welcoming the decrease in the overall number of incidents involving the two sides, and urging both sides to avoid any action, including restrictions on UNFICYP's movements, which could lead to an increase in tension,

Welcoming the coordination arrangements agreed with the United Nations to address unauthorized construction within the buffer zone, including large-scale commercial projects, and *echoing* the Secretary-General's firm belief that the

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situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations,

Welcoming the agreement with the Turkish forces to proceed with demining activities, but *urging* that further guidelines be agreed to permit such activities to take place in all outstanding minefields; *noting with concern* that funding for the Mine Action Centre beyond 2008 has not yet been secured but that this work will need to continue beyond that period,

Welcoming the progress and continuation of the important activities of the Committee on Missing Persons; expressing the hope that this process will promote reconciliation between the communities,

Agreeing that an active and flourishing civil society is essential to the political process and *welcoming* all efforts to promote bicommunal contacts and events, including, inter alia, on the part of all United Nations bodies on the island, and *urging* the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts,

Reaffirming the importance of the Secretary-General continuing to keep the operations of UNFICYP under close review while continuing to take into account developments on the ground and the views of the parties, and reverting to the Council with recommendations as appropriate for further adjustments to UNFICYP's mandate, force levels and concept of operation as soon as warranted,

Welcoming the appointment of Tayé-Brook Zerihoun as the Secretary-General's new Special Representative to Cyprus, and *echoing* the Secretary-General's appreciation for the work of the previous Special Representative, Michael Moller,

Echoing also the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of UNFICYP, and his request for further voluntary contributions from other countries and organizations,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Welcomes* the analysis of developments on the ground over the last six months in the Secretary-General's report;

2. *Urges* the parties to build on the present momentum and continue their efforts to identify to the greatest possible extent areas of convergence and disagreement, while preparing options where feasible on the more sensitive elements, and to work to ensure that fully fledged negotiations can begin expeditiously and smoothly, in line with the agreement of 21 March and the Joint Statement of 23 May;

3. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

4. *Expresses* its full support for UNFICYP and decides to extend its mandate for a further period ending 15 December 2008;

5. *Calls on* both sides to continue to engage, as a matter of urgency and while respecting UNFICYP's mandate, in consultations with UNFICYP on the demarcation of the buffer zone, and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;

6. *Calls on* the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

7. *Requests* the Secretary-General to submit a report on implementation of this resolution by 1 December 2008 and to keep the Security Council updated on events as necessary;

8. *Welcomes* the efforts being undertaken by UNFICYP to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

9. *Decides* to remain seized of the matter.

United Nations S/2008/385

Security Council

Distr.: General
7 July 2008

Original: English

Letter dated 1 July 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Jamaica submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Neven **Jurica**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

08-41384 (E) 230708

Annex

Letter dated 26 June 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Jamaica to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

On instructions from my Government, I have the honour to transmit herewith the report of Jamaica on the implementation of Security Council resolution 1624 (2005) concerning threats to international peace and security caused by acts of terrorism (see enclosure).

(*Signed*) Angella Hamilton **Brown**
Chargé d'affaires a.i.

Enclosure

Report of Jamaica to the Counter-Terrorism Committee pursuant to resolution 1624 (2005)

Introduction

1. Cognizant of the imperative to combat all forms and manifestations of terrorism by all means, in accordance with the Charter of the United Nations, Jamaica concurs with and endorses the Security Council's position that States need to ensure that the measures implemented by them to combat terrorism comply with the obligations imposed on them under international law.

2. Jamaica recalls and reaffirms that, under the Charter of the United Nations, the Security Council's principal responsibility is for the maintenance of international peace and security. Jamaica therefore lends its complete support to the Security Council's condemnation, in the strongest terms, of all acts of terrorism, whenever and by whomsoever committed, regardless of motivation, as one of the most serious threats to international peace and security.

3. Jamaica also endorses the Security Council's strong condemnation of the incitement of terrorist acts and rejection of any attempt to justify or glorify terrorist acts that may incite further terrorist acts.

4. Pursuant to its obligations under paragraph 5 of Security Council Resolution 1624 (2005), Jamaica hereby reports to the Counter-Terrorism Committee the steps it has taken to implement the said resolution.

International conventions

5. Jamaica recalls the urgency with which Security Council through Resolution 1624 (2005) encouraged States to become party to the international counter-terrorism conventions, with priority being placed on the International Convention for the Suppression of Acts of Nuclear Terrorism. In response to this call Jamaica became a signatory of that convention and is taking steps to ratify same.

6. Additionally Jamaica is currently a state party to twelve (12) major international conventions and protocols on terrorism.

Prohibiting and preventing incitement to commit terrorist acts

7. Jamaica continues to share the concern of the international community regarding the serious and increasing threat posed to the enjoyment of human rights, global stability and prosperity, and the social and economic development of States by the incitement of acts of terrorism motivated by extremism and intolerance. Jamaica agrees that this threat requires the urgent and proactive response of the United Nations and all States and that all necessary and appropriate steps, nationally and internationally, should be taken in accordance with international law to protect the right to life.

8. In keeping with its continuing efforts to fulfil its international obligations to combat terrorism, Jamaica enacted the Terrorism Prevention Act (TPA) in 2005, under which acts of terrorism are indictable offences punishable by life imprisonment for an individual and fines for a body corporate.

9. The TPA in its current form makes no provision for the incitement to commit an act of terrorism. Despite this it is still possible to prosecute for this offence. The incitement of the commission of a crime is an offence at common law. It is therefore possible to prosecute at common law persons who through threat, persuasion or pressure, incite another to commit a terrorist act.

10. Jamaica remains committed to fulfilling its obligations to combat terrorism in all its forms and manifestations and is currently in the process of reviewing the provisions of the TPA.

Denying safe haven to persons engaged in incitement to commit terrorist acts

11. Jamaica accepts that acts, methods and practices of terrorism are contrary to the principles and purposes of the United Nations. Additionally Jamaica recognizes that knowingly financing, planning and inciting terrorist acts are also contrary to the principles and purposes of the United Nations.

12. Jamaica recalls that the Security Council in Resolution 1624 (2005) has urged all States to cooperate fully in the fight against terrorism in order to locate, deny safe haven and bring to justice any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of acts of terrorism or provides safe havens.

13. Jamaica remains unwavering in its commitment to deny safe haven to those who orchestrate, finance or commit acts of terrorism in all forms and manifestations. This commitment is demonstrated by actions such as Jamaica's ratification of

the United Nations Convention Against Transnational Organized Crime and its Protocols.

14. Jamaica has sought through legislation to combat the planning, financing and commission of terrorism through legislation, namely the TPA and the Proceeds of Crime Act (POCA). The latter Act is a recent one which among other things allows for any crime including the financing of terrorism to be a predicate offence for money laundering charges; regulates the transfer of funds and obligates financial institutions, designated non financial businesses and professions; and any person who forms such a suspicion in the course of their trade, profession, business or employment to report suspicious transactions. The POCA also makes provision for civil forfeiture.

15. Under the TPA it is an offence for anyone to, among other things, commit terrorist activities, deal in property for terrorist purposes and harbour, conceal, hinder, or prevent the apprehension of anyone who he knows or reasonably believes has committed or is planning or likely to commit a terrorist activity.

16. It is again recognized that the TPA in its current form does not refer to incitement to commit terrorist acts as an offence. Prosecution therefore would be to the extent available under the common law.

Strengthening borders to prevent entry by those guilty of incitement of terrorism

17. Jamaica endorses the Security Council's call for States to cooperate in strengthening the security of international borders through means which include combating fraudulent travel documents and enhancing terrorist screening and passenger security procedures with a view to preventing the entry into their borders of those guilty of incitement to commit terrorism.

18. Given the magnitude of the threat posed by acts of terrorism, Jamaica fully appreciates the need for cooperation with other states in an effort to prevent and combat terrorism, and continues to be committed to encouraging and facilitating such cooperation. In 2007 Jamaica, along with other Caribbean States, successfully hosted the staging of the Cricket World Cup (CWC). Prior to this event regional security arrangements had to be implemented within the region to facilitate the hosting of the CWC. These arrangements, namely the establishment of the Joint Regional Intelligence Fusion Centre and the Caribbean Intelligence Sharing Network (CISNET), are still operational and facilitate the rapid exchange of information across the Caribbean region. Additionally the Advanced Passenger Information System (APIS), established

with the assistance of the United States Department of Homeland Security, is also still operational.

19. Jamaica also utilizes information gained through its membership in international and regional organizations such as INTERPOL and the Caribbean and Latin America Association of Intelligence Police. Persons entering Jamaica are subject to screening using local, CARICOM, United Nations and INTERPOL watch lists. Similar procedures are applied to applicants for permanent residence and naturalization.

Enhancing dialogue and broadening understanding

20. Jamaica remains supportive of the Security Council's call for all States to enhance dialogue and broaden understanding among civilizations in order to prevent indiscriminate targeting of different religions and cultures. Additionally Jamaica recognizes the need for States to take the appropriate steps to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, religious and cultural institutions by those who engage in and/or provide support for acts of terrorism.